

Agency 1

Kansas Department of Administration

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Article 1.—PURPOSE, ADOPTION AND AMENDMENT OF REGULATIONS; PERSONNEL POLICIES

1-1-1. State human resource program, responsibilities, regulations, and guidelines.

(a) The Kansas civil service act shall be administered by the director to establish a complete human resource program that provides an effective, diverse, responsible, and quality workforce. The regulations in articles 1 through 14 and any associated guidelines shall apply only to classified employees unless otherwise specifically stated.

(b) The central personnel office for the state as one employer shall be the division of personnel services.

(c) The statewide human resource program shall be managed by the director in partnership with the human resource directors and staff of other state agencies. Agencies shall be provided with opportunities to share in the responsibility of developing regulations and implementing the resulting programs. Each human resource duty that is delegated to an appointing authority by the director shall be the responsibility of the appointing authority. The appointing authority shall comply with statewide personnel regulations and statutes.

(d) The human resource regulations and bul-

letins shall be made available to each agency by the director.

(e) Each agency shall make available for inspection all human resource regulations and bulletins to all employees in a manner that is both known to employees and available at all times.

(f) Standards of health and safety in state agencies and a comprehensive health and safety program for the state service shall be established by the director, in cooperation with appropriate agency administrators.

(g) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended May 31, 1996; amended June 5, 2005.)

1-1-2 and 1-1-3. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-1-4. (Authorized by K.S.A. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1983; revoked May 31, 1996.)

1-1-5. Pilot projects. (a) Plans for pilot projects within the state employee workforce may be developed by the director for the purpose of determining whether a specified change in human resource management policies or procedures or a

new human resources program would result in improved statewide human resource management. The plan shall specifically delineate any provisions of one or more personnel regulations relating to state agencies and state employees that are to be suspended with respect to participants in the pilot project and shall include findings that each proposed suspension of a regulation meets all of the following criteria:

(1) Suspension of the regulation is necessary to implement a pilot project that is expected to accomplish one or more of the following purposes:

(A) To provide a means to recruit, select, develop, or maintain an effective and responsible workforce;

(B) to provide personnel administration practices that meet the social, economic, and program needs of the people of the state of Kansas;

(C) to facilitate the administration of personnel actions based on merit principles and fitness to perform the work required;

(D) to provide fair and equal opportunity for public service; or

(E) to provide improvements and economies in the organization and operation of state agencies.

(2) Suspension of the regulation will not be in conflict with the civil service act or any other statute of the state of Kansas.

(3) Suspension of the regulation will not be in conflict with any applicable federal statutes or regulations.

(4) Suspension of the regulation will not result in any personnel administration actions made on the basis of race, national origin or ancestry, religion, political affiliation, or other nonmerit factors.

(b) The plan for a pilot project shall be subject to review by the secretary of administration. The pilot project may be approved, modified and approved, or rejected by the secretary. Each plan that is either approved or modified and approved by the secretary shall be submitted to the governor.

(c) Implementation of the pilot project may be authorized by the governor in the form of an executive directive, which may place additional limitations or conditions on implementation of the pilot project as the governor deems advisable. The executive directive shall stipulate any provisions of one or more personnel regulations relating to state agencies and state employees that are suspended for participants in the pilot project. Such a suspension of provisions of one or more regulations shall be effective only for pilot project par-

ticipants and only for the duration of the pilot project. (Authorized by K.S.A. 75-3706 and 75-3747; implementing K.S.A. 75-2925, 75-3707, and 75-3746; effective Oct. 1, 1999.)

Article 2.—DEFINITIONS

1-2-1. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; revoked, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; revoked Dec. 17, 1995.)

1-2-2. Reserved.

1-2-3. Act. Act means the Kansas civil service act. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-4. Agency. “Agency” means a unit of state government assigned a unique department identification number by the division of accounts and reports, except that for the purpose of the civil service act and these regulations, the university of Kansas at Lawrence and the university of Kansas medical center at Kansas City and Wichita, shall be considered as separate agencies. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1981; amended Dec. 17, 1995.)

1-2-5. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-6. Reserved.

1-2-7. Allocation. Allocation means the assignment of an individual position to an appropriate class. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-8. Applicant. “Applicant” means a person who registers personal information and qualifications with the state and who applies for a specific vacancy. (Authorized by K.S.A. 75-3706 and K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 1996 Supp. 75-2939 and K.S.A. 75-3746; effective Dec. 17, 1995; amended Aug. 1, 1997.)

1-2-9. Appointing authority. (a) “Appointing authority” means a person or group of persons empowered by the constitution, by statute, or by lawfully delegated authority to make human resource decisions that affect state service, including

designees of the appointing authority as provided in subsection (b).

(b) Any appointing authority may select an employee or group of employees to act as the designee of the appointing authority to make specified human resource decisions that affect state service.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended Dec. 17, 1995; amended June 5, 2005.)

1-2-10. Reserved.

1-2-11. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-12. Reserved.

1-2-13. Budgeted position. Budgeted position means a position in the agency budget as approved by the legislature, which shall not be filled until the duties and responsibilities to be assigned to the position are actually decided upon by the employing agency and the position has been allocated to the proper class. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-14. Candidate. "Candidate" means an applicant who has been certified to the pool as eligible by the appointing authority or by the director, by virtue of meeting both the required selection criteria for a class of positions and the required selection criteria for a specific position. (Authorized by K.S.A. 75-3706 and K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 1996 Supp. 75-2939, 75-2942, and 75-2943; effective Dec. 17, 1995; amended Aug. 1, 1997.)

1-2-15. Career path. A career path identifies optimum alternative paths of employee progression to positions requiring successively higher levels of skill and the consequent promotional opportunities. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-16. Reserved.

1-2-17. Class. "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same required selection criteria are needed for performance of the

duties of positions in the class, that the same assessments may be used to select employees for positions in the class, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective May 1, 1979; amended Dec. 17, 1995.)

1-2-18. Reserved.

1-2-19. Classified service. Classified service means all positions in the state service, except those which are specifically placed in the unclassified service by K.S.A. 75-2935, as amended, or other sections of the statutes. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-20. Commercial driver position. "Commercial driver position" means any position which is subject to the State of Kansas alcohol and controlled substances testing program established under the federal omnibus transportation employees testing act of 1991, 49 U.S.C. Appx. § 2717. Commercial driver positions shall be limited to those positions which require:

(a) a commercial driver's license as defined in the Kansas uniform commercial drivers' license act, K.S.A. 8-2,125 *et seq.*, as amended; and

(b) operation of a commercial motor vehicle:

(1) with a gross vehicle weight of over 26,000 pounds; or

(2) designed to carry 16 or more passengers, including the driver. (Authorized by K.S.A. 1994 Supp. 75-3747, implementing K.S.A. 75-3746, 75-2940 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995.)

1-2-21 and 1-2-22. Reserved.

1-2-23. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-2-24. (Authorized by and implementing K.S.A. 75-3747; effective May 1, 1979; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-2-25. Compensatory time. "Compensatory time" means time off, in lieu of monetary payment for overtime worked, given pursuant to K.A.R. 1-5-24. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A.

2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended, T-86-36, Dec. 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988; amended June 5, 2005.)

1-2-25a. Holiday compensatory time. “Holiday compensatory time” means leave given in accordance with K.A.R. 1-9-2 to employees who work on holidays and who are compensated for this holiday work by receiving time off at a later date, at the rate of one and a half hours off for one hour worked. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective June 5, 2005.)

1-2-26. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-27. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-28. Reserved.

1-2-29. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-30. This regulation shall be revoked on and after June 5, 2005. (Authorized by and implementing K.S.A. 1998 Supp. 75-4362 and K.S.A. 75-4363; effective April 13, 1992; amended July 26, 1993; amended Oct. 1, 1999; revoked June 5, 2005.)

1-2-31. Demotion. “Demotion” means the movement of an employee from a position in one class to a position in another class having a lower pay grade, either on an involuntary basis for disciplinary purposes or on a voluntary basis. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 2004 Supp. 75-2949, K.S.A. 75-2949d, 75-3707, and 75-3746; effective May 1, 1979; amended Dec. 17, 1995; amended June 7, 2002; amended June 5, 2005.)

1-2-32. Director. Director means the di-

rector of personnel services. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-33. Division. Division means the state division of personnel services, including the director and the employees thereof. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-34. Disability. Disability means, with respect to an individual: (a) a physical or mental impairment that substantially limits one or more major life activities;

(b) a record of such an impairment; or

(c) being regarded as having such an impairment. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective Aug. 3, 1992.)

1-2-35. Candidate pool. “Candidate pool” means a pool of candidates certified as eligible for a vacancy by the appointing authority or by the director, and from which the appointing authority must hire an individual to fill that vacancy. (Authorized by K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 1996 Supp. 75-2939, 75-2942, and 75-2943; effective May 1, 1979; amended Dec. 17, 1995; amended Aug. 1, 1997.)

1-2-36. Reserved.

1-2-37. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-38. Reserved.

1-2-39. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-40. Reserved.

1-2-41. Established position. Established position means a position which is in the budget as approved by the legislature, and which has been allocated. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-42. Exempt employee. “Exempt employee” means an employee who is in a position that is determined by the director, or by an appointing authority with delegated authority under K.S.A. 75-2938, and amendments thereto, not to be eligible for overtime pay under 29 U.S.C. § 213, as amended on October 31, 1998 and hereby adopted by reference. (Authorized by K.S.A. 2001

Supp. 75-3747; implementing K.S.A. 75-3746; effective Dec. 17, 1995; amended June 7, 2002.)

1-2-42a. Non-exempt employee. “Non-exempt employee” means an employee who is in a position that is determined by the director, or by an appointing authority with delegated authority under K.S.A. 75-2938, and amendments thereto, to be eligible for overtime pay under 29 U.S.C. § 213, as amended on October 31, 1998 and hereby adopted by reference. (Authorized by K.S.A. 2001 Supp. 75-3747; implementing K.S.A. 75-3746; effective Dec. 17, 1995; amended June 7, 2002.)

1-2-43. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-43a. Incumbent. “Incumbent” means the employee occupying a particular position. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective June 5, 2005.)

1-2-44. In pay status. “In pay status” means time worked, and time off work for which the employee is compensated because of a holiday, the use of any kind of leave with pay, or the use of compensatory time or holiday compensatory time. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707, 75-3746, and 75-5507; effective Dec. 17, 1995; amended June 5, 2005.)

1-2-45. Intern program. Intern program means an entrance level career development program which applies scholastic achievement or potential to guided participation in utilizing professional and managerial techniques within a specific occupational field. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-46. Length of service. (a) “Length of service” shall mean total time worked in the classified service or unclassified service, including time spent on an appointment to a position pursuant to K.S.A. 75-2935(1)(i), and amendments thereto. Length of service shall exclude the following:

(1) Time worked as a temporary employee in accordance with the provisions of K.A.R. 1-6-25;

(2) time worked as a student employed by any board of regents institution;

(3) time worked as a resident worker in an institution of mental health as defined in K.S.A. 76-12a01 and amendments thereto or in a state veteran’s home operated by the Kansas commission on veteran’s affairs; and

(4) time worked as an inmate.

(b) Time spent on military leave and time off while receiving workers compensation wage replacement for loss of work time shall be considered to be time worked in the classified or unclassified service. Time on leave while receiving workers compensation wage replacement for a disability attributable to state employment before May 1, 1983, shall not be credited.

(c) Within educational institutions under the control and supervision of the state board of regents or the state board of education, time spent on leave of absence, if imposed by the educational institution based on employment customs arising from an academic or school calendar requiring less than a full calendar year of service, shall be considered to be time worked in the classified service. However, length of service based on this leave of absence shall not be transferable to other state agencies. For the purposes of layoff, employees of these institutions shall be credited only for actual time worked.

(d)(1) Length of service for computing vacation leave accrual rates and for layoff or compensation purposes shall not be recalculated using prior versions of this regulation for employees who have no break in service.

(2) Length of service for determining vacation leave accrual rates and for layoff or compensation purposes for an individual returning to state service shall be the amount of length of service on record on December 17, 1995, or on the date the individual left state service, whichever date is later.

(e) Authorized leave without pay over 30 consecutive days shall not count toward length of service. However, authorized leave without pay for 30 consecutive days or less shall not be considered a break in service.

(f) Increased rates of vacation leave earnings based on length of service shall not be retroactive.

(g) For purposes of vacation leave accrual, layoff, and longevity bonus pay, the length of service of any person who has retired from state service shall be reduced to zero, and if the person later returns to state service, the length of service shall

be calculated on the same basis as that for a new hire. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-52, Dec. 19, 1986; amended May 1, 1987; amended Dec. 27, 1993; amended Dec. 17, 1995; amended Sept. 18, 1998; amended June 5, 2005; amended Jan. 12, 2007.)

1-2-47. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-48. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746 and K.S.A. 75-2948, as amended by 1995 SB 175, § 12; effective May 1, 1984; amended Dec. 17, 1995; revoked June 7, 2002.)

1-2-49. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-50. New hire. “New hire” means any person hired by a state agency who has not been previously employed by the state. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2942; effective May 1, 1981; amended Dec. 17, 1995.)

1-2-51. Pay increase date. “Pay increase date” means the date on which an employee is eligible for a step increase based on the time-on-step requirements of K.A.R. 1-5-19b. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective May 1, 1979; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995.)

1-2-52. Reserved.

1-2-53. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 75-2946; effective May 1, 1979; amended May 1, 1981; revoked May 31, 1996.)

1-2-54. Pay grade. “Pay grade” means a salary and wage range in the pay plan prepared by the director as required by K.S.A. 75-2938. This regulation shall be effective on and after Decem-

ber 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective Dec. 17, 1995.)

1-2-55. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-56. Reserved.

1-2-57. Permanent status. “Permanent status” means the status of an employee who has successfully completed a probationary period, in accordance with K.A.R. 1-7-3, 1-7-4, and 1-7-6. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-2946; effective May 1, 1979; amended May 1, 1981; amended May 31, 1996.)

1-2-58. Reserved.

1-2-59. Position. Position means a group of duties and responsibilities, assigned or delegated by an appointing authority, requiring the services of an employee on a full-time basis or, in some cases, on a less than full-time basis. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-60. Reserved.

1-2-61. Position review. Position review means the official study by the agency personnel officer or the division of personnel services of the current or proposed duties and responsibilities of a position. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2938; effective May 1, 1979; amended May 1, 1984.)

1-2-62. Reserved.

1-2-63. Position description. Position description means a description of the duties and responsibilities of a position, and the education, experience, knowledge, skills, and abilities necessary to perform the duties and responsibilities of the position in a satisfactory manner. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-64. Reserved.

1-2-65. Probationary status. Probationary status is the status of an employee during the probationary period. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-66. Reserved.

1-2-67. Promotion. “Promotion” means a

change of an employee from a position in one class to a position in another class having a higher pay grade, by an employee who meets the required selection criteria for promotion. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2944, as amended by 1995 SB 175, § 9, and K.S.A. 75-3746; effective May 1, 1979; amended Dec. 17, 1995.)

1-2-68. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2939, as amended by 1995 SB 175, § 5 and K.S.A. 75-3746; effective Dec. 17, 1995; revoked Aug. 1, 1997.)

1-2-69. Reallocation. Reallocation means a change in allocation of an existing position within an agency from one (1) class to another, at the same or a different level, on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-70. Regular position. “Regular position” means any position other than a temporary position. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective Dec. 17, 1995.)

1-2-71. Reemployment pool. “Reemployment pool” means a pool of persons who:

- (a) were laid off;
- (b) in lieu of a layoff, accepted a demotion or transfer to a position in another county, agency, program or shift, or to a position with fewer hours; or
- (c) voluntarily requested to be laid off. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2948, as amended by 1995 SB 175, § 12, and K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1984; amended Dec. 17, 1995.)

1-2-72. Rehire. “Rehire” means any person hired by the state who was previously employed by the state. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective Dec. 17, 1995; amended May 31, 1996.)

1-2-73. Reinstatement. “Reinstatement” means rehiring a former permanent state employee within one year of a voluntary termination from the state into a position for which the indi-

vidual meets the required selection criteria and which is in the same or similar class as the class in which the individual had permanent status prior to the termination. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended Dec. 17, 1995.)

1-2-74. Administrative leave. “Administrative leave” means leave with pay that is approved by the appointing authority for an employee pending the outcome of an investigation of that employee under K.A.R. 1-9-19 or for other situations in which the appointing authority determines that administrative leave with pay is in the best interests of the state. Administrative leave shall not be used as a reward. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective Oct. 1, 1999; amended June 5, 2005.)

1-2-75. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-76. Reserved.

1-2-77. (Authorized by K.S.A. 75-3706; implementing K.S.A. 20-2608, K.S.A. 1997 Supp. 74-4914 and K.S.A. 75-5517; effective Sept. 18, 1998; revoked Jan. 12, 2007.)

1-2-78. Resignation. Resignation means the voluntary termination of employment by an employee. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-2-79. Roster, official. “Official roster” means the employment history and employment status of all individuals in state service. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1985; amended Dec. 17, 1995.)

1-2-80. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 1980 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-2-81. (Authorized by and implementing L. 1988, Chap. 325, Sec. 1; effective, T-1-10-28-

88, Oct. 31, 1988; effective Dec. 18, 1988; revoked April 13, 1992.)

1-2-82. Reserved.

1-2-83. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-84. Supervisor. “Supervisor” means an employee in a position that meets all of the following criteria: (a) Performs a majority of work that is different from that of the employee’s subordinates; and

(b) has the responsibility to authorize or recommend in the interest of the employer a majority of the following actions:

(1) To hire, transfer, suspend, promote, demote, dismiss, and discipline employees under that individual’s supervision and to address employee grievances; and

(2) to assign, direct, and conduct performance reviews of the work.

The exercise of this authority and responsibility shall not be of a merely routine or clerical nature but shall require the use of independent judgment. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1985; amended Dec. 17, 1995; amended Oct. 1, 1999.)

1-2-84a. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective Oct. 1, 1999; revoked June 5, 2005.)

1-2-84b. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective Oct. 1, 1999; revoked June 5, 2005.)

1-2-85. Temporary position. “Temporary position” means a classified position which is limited to not more than 999 hours of employment in a 12-month period. A temporary position shall not affect the position limitation of an agency. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2945, as amended by 1995 SB 175, § 10; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995.)

1-2-86. Time-on-step. “Time-on-step” means the amount of time an employee must

serve on a particular step of the pay grade to be eligible for a step increase. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4, and K.S.A. 75-3746; effective Dec. 17, 1995.)

1-2-88. Transfer. “Transfer” means a change by an employee from one position to another position with a close similarity of duties, essentially the same basic qualifications, and the same pay grade. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2944 and K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1983; amended Dec. 17, 1995; amended May 31, 1996.)

1-2-89 and 1-2-90. Reserved.

1-2-91. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 75-2947, K.S.A. 1982 Supp. 75-2944; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983; revoked Dec. 17, 1995.)

1-2-92 to 1-2-94. Reserved.

1-2-95. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-2-96. Reserved.

1-2-97. Unclassified service. “Unclassified service” means those positions specifically designated by law as unclassified. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 2004 Supp. 75-2935, as amended by 2005 SB 74, § 3, and K.S.A. 75-3746; effective May 1, 1979; amended June 5, 2005.)

Article 3.—EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

1-3-1. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-3-2. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2956a; effective May 1, 1979; amended Dec. 17, 1995; revoked June 5, 2005.)

1-3-3 to 1-3-4. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-3-5. Definitions. (a) “Affirmative action” means a deliberate and sustained effort to identify and eliminate barriers to the employment and advancement of females and minorities. The purpose of affirmative action initiatives shall be to achieve, at all levels, a state government workforce whose composition with respect to female and minority employees approximates the composition of the available, qualified state resident workforce.

(b) “Affirmative action plan” means a written, results-oriented plan detailing the steps that an appointing authority will take to achieve a workforce whose composition with respect to female and minority employees approximates the composition of the available, qualified state resident workforce.

(c) “Equal employment opportunity” means the administration of the civil service personnel system in a manner that promotes the right of all persons to work and to advance on the basis of merit and ability without regard to race, religion, color, sex, national origin or ancestry, age, disability, military or veteran status, or political affiliation, except as otherwise provided by law.

(d) “Minority,” means a group differing in race or ethnic background from the majority of the available, qualified state workforce, or a member of such a group.

(e) “Underutilization,” with respect to a workforce, means a condition in which the percentage of female or minority employees is less than the percentage of females or minorities in the available, qualified state workforce. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-2925, 75-2941, 75-3707, and 75-3746; effective Jan. 12, 2007.)

1-3-6. Equal employment opportunity; affirmative action. In a manner that is consistent with K.S.A. 75-2925 and amendments thereto, each appointing authority shall take the following steps: (a) Each appointing authority shall implement programs and policies designed to promote equal employment opportunity and shall implement an affirmative action plan to identify whether areas of underutilization exist. If areas of underutilization are identified, the appointing authority shall initiate programs designed to address the underutilization.

(b) Each appointing authority shall establish any goals and target dates necessary to effectuate agency-level and statewide affirmative action plans.

(c) Each appointing authority shall ensure that complete and accurate applicant and employment records and statistics are maintained that provide information for the evaluation and analysis of current and past employment practices with respect to affirmative action. Each appointing authority shall provide this data to the director in the manner and on the forms required by the secretary. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-2925, 75-2941, 75-3707, and 75-3746; effective Jan. 12, 2007.)

Article 4.—CLASSIFICATION

1-4-1. Preparation of classification plan.

(a) A classification plan shall be prepared by the director after determining, in cooperation with appointing authorities and principal supervisory officials, the duties and responsibilities of all positions in the classified service.

(1) The classification plan shall establish an appropriate title for each class, describe the typical duties and responsibilities of the positions in the class, and indicate the required selection criteria for performance of the duties of the class.

(2) The classification plan shall be developed and maintained in such a manner that:

(A) all positions substantially similar with respect to the kind, difficulty, and responsibility of work are included in the same class;

(B) there are required selection criteria which are applicable to all positions in a class, in addition to any selection criteria which may be applied to individual positions in a class to fulfill specific job requirements; and

(C) the same pay grade may be applied with equity to all positions in the class.

(b) The classification plan, and any amendments or revisions thereto, shall be in effect after approval by the governor, on an effective date specified by the governor.

(c) The classification plan shall be revised or amended whenever there are significant changes in organization, creation or abolition of one or more classifications, or changes in the duties or responsibilities of a classification that make revision or amendment necessary. This regulation shall be effective on and after December 17, 1995.

(Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective May 1, 1979; amended May 1, 1981; amended Dec. 17, 1995.)

1-4-2. Position management. (a) Each supervisor shall structure each position to promote efficient use of the workforce and to fulfill current and future requirements, and shall accurately describe in writing the duties of the position. The supervisor shall review each subordinate position when the responsibilities of the position change, each time the position becomes vacant, and when other pertinent circumstances indicate a review is appropriate.

(b) Each appointing authority shall maintain a system of position identification and control, indicating the organizational unit, location, duties, and work hours and shifts of each established position, which shall be made available to the director upon request.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2950 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2950, and 75-3746; effective May 1, 1979; amended May 1, 1981; amended May 31, 1996; amended June 5, 2005.)

1-4-3. Position description. Each appointing authority shall ensure that a current position description is prepared and maintained for each position in the agency and that each position description accurately describes the duties and responsibilities of the position. The position description shall be signed by the supervisor, the employee, and the agency's human resource director or other human resource official. The appointing authority shall make the position description available to the division of personnel services upon request. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2950 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2950, and 75-3746; effective May 1, 1979; amended June 5, 2005.)

1-4-4. Position analysis. Position descriptions shall be reviewed by managers, supervisors, and personnel officers or other personnel officials to determine the duties and responsibilities assigned to a particular position, its location in the organization, and the education, experience, knowledge, abilities, and skills necessary to perform successfully those duties and responsibilities.

(Authorized by K.S.A. 75-3747; effective May 1, 1979.)

1-4-5. Position allocation; delegation to appointing authority. (a) The appointing authority shall notify the director when a new position is created in the classified service. The notice shall include a statement of the duties and responsibilities that are to be assigned to the position. The position shall then be allocated by the director. Except as otherwise provided in the act or in these regulations, no person shall be appointed to, or employed in, a classified position until the position has been allocated to an established class or until the classification plan has been amended to provide for the new position.

(b) The authority to allocate positions in an agency may be delegated by the secretary of administration to the appointing authority of that agency. The delegation shall specify the classes, or group of classes, for which the authority is granted and the conditions under which the delegation is made. Any delegation of allocation authority may be modified or withdrawn by the secretary to the extent provided by K.S.A. 75-2938(c), and amendments thereto.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938 and 75-3746; effective May 1, 1979; amended May 1, 1981; amended June 5, 2005.)

1-4-6. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-4-7. Position reallocation. (a)(1) Upon the initiative of the director or the request of an incumbent or appointing authority, a position shall be reviewed whenever either of the following conditions is met:

(A) The organizational structure of an agency or the duties of a position are significantly changed.

(B) For any reason other than those specified in paragraph (a)(1)(A), a position appears to be allocated incorrectly.

(2) After conferring with the appointing authority, the position under review may be reallocated by the director to a different class, or the existing allocation may be retained. During the review, other positions may be reviewed and reallocated as required.

(b) Reallocation shall not be used for either of the following purposes:

(1) To avoid the provisions of the regulations pertaining to layoffs, demotions, promotions, and dismissals; or

(2) to increase or decrease the pay of an employee in circumvention of the regulations pertaining to pay.

(c) Unless otherwise prescribed by the secretary of administration, an appointing authority who has been granted authority to allocate positions shall have authority to reallocate the same positions.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938 and 75-3746; effective May 1, 1979; amended May 1, 1981; amended Dec. 17, 1995; amended June 5, 2005.)

1-4-8. Effect of position reallocation on incumbent. (a)(1) If a position that is reallocated is filled on the date of reallocation by an employee with permanent or probationary status and if the incumbent wishes to remain in the position, the appointing authority shall, within the current pay period, appoint the incumbent to the class to which the position was reallocated.

(2) If the class specification for the reallocated position requires that the person appointed to any position in that class possess a special license or certificate and the incumbent does not possess such a license or certificate, the incumbent shall not be appointed to the class to which the position was reallocated. If the reallocation of any position to a class requires that the employee possess a special license or certificate and if the incumbent does not possess that license or certificate, the reallocation may be made only after the reallocation has been approved in writing by the director.

(b) Except as provided in paragraph (a)(2), if the incumbent had permanent status at the time the position is reallocated, the appointing authority shall appoint the incumbent to the class to which the position was reallocated with permanent status, but may require the incumbent to serve a probationary period in accordance with the provisions of K.A.R. 1-7-4(b). Notice of the probationary period shall be given to the employee in writing.

(c) If the reallocation of a position occupied by an employee with permanent status is to a lower class, the appointing authority shall give the employee a written statement of the reason the position is being reallocated to a lower class.

(d) A reallocation shall not be retroactive unless authorized by the director, in writing, based on the director's determination that failure to do so would create a manifest injustice or undue hardship on the employee whose position is being reallocated. Each determination to authorize a retroactive reallocation shall be made by the director on a case-by-case basis. The length of time for which the reallocation will be retroactive shall be determined by the director.

(e) If the incumbent was serving a probationary period in the former class, the time served on probation in the former class shall apply towards the probationary period in the new class. However, if the incumbent had permanent status, but was serving a probationary period as a result of a promotional appointment to the former class, the appointing authority may start the employee on a new probationary period. The new probationary period shall begin on the date of the appointment to the new class, and the length of the probationary period shall be the same as that provided for promotional appointments in K.A.R. 1-7-4(b).

(f)(1) If the incumbent does not wish to remain in the position upon its reallocation, the incumbent shall submit a written notice to the appointing authority within 14 calendar days of the date on which the incumbent is given a written notice of the pending reallocation. If the incumbent does not submit a written notice within that 14-day period, the incumbent shall be presumed to desire to remain in the position as reallocated.

(2) If the incumbent has submitted the written notice as provided under paragraph (f)(1) or does not qualify for the position under paragraph (a)(2), the appointing authority shall take one of the following actions in accordance with these regulations:

(A) Lay off the incumbent if the incumbent has permanent status;

(B) terminate the incumbent if the incumbent has probationary status; or

(C) appoint the incumbent to a different position on the basis of a promotion, transfer, or voluntary demotion.

(g) Different qualifications may be established by the director for those positions in a class that are subject to federal laws and regulations.

(h) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2946 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2946, 75-3707, and 75-3746; effective May 1, 1979; amended May 1, 1981;

amended May 1, 1983; amended May 1, 1984; amended Oct. 1, 1999; amended June 5, 2005.)

1-4-9. Use of class titles. The class titles included in the classification plan, or code symbols of these titles, shall be used in all personnel, accounting, budget, appropriation, and financial records of all state agencies. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

Article 5.—COMPENSATION

1-5-1. Preparation, installation, and revision of the pay plan or plans. After conferring with appointing authorities, the secretary of administration and the director of the budget, a pay plan or plans for the classified service shall be recommended to the governor by the director. Except as otherwise provided, the pay plan or plans shall provide a minimum and maximum rate of pay for each class of positions in the classified service. In establishing these rates, the following factors shall be taken into consideration by the director:

- (1) the condition of the labor market;
- (2) prevailing rates for comparable positions in other public employment and in private business;
- (3) difficulty and responsibility of work;
- (4) the usual education and experience required;
- (5) the current cost of living;
- (6) turnover rates in the state service; and
- (7) maintenance or other benefits received.

Revisions to the pay plan or plans shall be prepared, adopted, and made effective in accordance with other provisions of article 5 of these regulations.

(b) When a pay plan or plans are to be installed or revised, instructions for installing or revising the plan or plans shall be prepared by the director, including instructions for handling circumstances where an employee's pay is above the pay grade, below the pay grade, or not on a step of the pay grade for the class in which the employee is employed. The instructions shall not be required if these circumstances can be handled by application of appropriate regulations. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938; effective May 1, 1979; amended May 31, 1996.)

1-5-2. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-5-3. (Authorized by K.S.A. 75-3747; effective May 1, 1979; amended Dec. 17, 1995; revoked May 31, 1996.)

1-5-4. Assignment of classes to pay grades. After conferring with appointing authorities, the secretary of administration, and the director of the budget, the assignment of each class of positions to one of the pay grades shall be recommended to the governor by the director, and schedules showing the pay grades approved by the governor for each class of positions shall be prepared by the director. Separate schedules of pay grades and steps showing full time biweekly salaries and hourly rates shall be developed and the appropriate schedule shall be used for each position in the classified service. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective May 1, 1979; amended Dec. 17, 1995.)

1-5-5. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended, T-86-36, Dec. 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987; revoked Dec. 17, 1995.)

1-5-6. (Authorized by K.S.A. 75-3747; effective May 1, 1979; amended Dec. 17, 1995; revoked May 31, 1996.)

1-5-7. Employees to be paid within the pay grade, approval of employee pay changes; effective date; retroactive increases. (a) Except as provided otherwise in these regulations, each employee shall be paid within the pay grade adopted for the class of positions and at the step within the pay grade as prescribed by these regulations.

(b) All employee pay changes shall be determined by the appointing authority in a manner prescribed by the director and shall comply with all applicable personnel regulations and directives approved by the governor.

(c) Each employee pay step increase shall be effective on the date that the employee completes the time-on-step requirements as stated in K.A.R.

1-5-19b. All other pay changes shall take effect on the day of the transaction.

(d) Employee pay changes may be retroactive as approved by the appointing authority or the director to correct documented errors or as otherwise approved by the governor. Each retroactive pay increase shall be limited to no more than six payroll periods, except as otherwise approved by the director.

(e) In a manner prescribed by the director, the appointing authority shall report to the director all pay changes made by the appointing authority pursuant to this regulation. (Authorized by K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 1996 Supp. 75-2938; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended May 31, 1996; amended Oct. 24, 1997.)

1-5-8. Beginning pay. (a) Except as specified in subsection (b), each new hire and each rehire not based on a reemployment or reinstatement shall be paid at the minimum step of the pay grade for the class.

(b) New hires and rehires not based on a reemployment or a reinstatement may be paid at higher steps in the pay grade only under the following circumstances:

(1) If an agency has an eligible candidate with exceptional qualifications directly related to the vacant position and the agency cannot employ the person at the minimum step, the appointing authority may approve beginning pay for the individual at a higher step in the pay grade. Exceptional qualifications shall be based on the candidate's education, training, experience, skills, and other job-related qualifications.

(2) If there is a lack of candidates for a class of positions available for employment at the minimum step, one or more appointing authorities may request that the director establish some higher step in the pay grade as the beginning pay in the class for new hires and for rehires not based on a reemployment or a reinstatement. Authorization for the higher beginning pay may be given to a designated agency or agencies, to all agencies, or for a particular geographical area. This authorization shall remain in place until canceled by the director. If the authorization has remained in place for three years for reasons other than a ge-

ographic basis, a compensation study shall be conducted by the director.

(A) If the director authorizes higher beginning pay under paragraph (b)(2), each appointing authority whose agency has positions in the class or geographical area that is authorized for a higher beginning pay shall be notified of the authorization by the director. Except as provided below, the appointing authority of each agency to which the authority has been granted shall then raise the pay of each incumbent in the class who is being paid at a lower step to the higher beginning pay. These pay increases shall take effect on the first day of the first pay period following the date of the director's authorization. The length of time that the incumbent has spent on the previous step of the pay grade shall count toward the time-on-step requirement for the new step.

(B) If the authorization granted under paragraph (b)(2) is only for a particular geographical area, the appointing authority shall not raise the pay of incumbents in other geographical areas.

(3) Any appointing authority may pay a temporary employee at a higher step in the pay grade if the candidate has exceptional qualifications directly related to the position or has former permanent status in the same class or another class at the same or higher pay grade.

(c) In a manner prescribed by the director, the appointing authority shall report to the director each hire above the minimum step made by the appointing authority as provided in this regulation.

(d) The beginning pay for any unclassified employee hired into a position in the classified service shall be determined in accordance with the provisions of this regulation. (Authorized by K.S.A. 75-2950 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2938a, 75-2950, 75-3707, and 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995; amended Oct. 24, 1997; amended, T-1-1-30-01, Feb. 4, 2001; amended May 25, 2001; amended June 5, 2005; amended Sept. 29, 2006.)

1-5-9. Pay of temporary employee. (a) Except as provided in subsection (b), the pay of each temporary employee shall be the minimum step of the pay grade to which the classification is assigned.

(b) At the option of the appointing authority, any temporary employee may be hired at a step higher than the minimum step as provided in K.A.R. 1-5-8.

(c) No person hired on a temporary basis shall be eligible for any step increase during the period of temporary employment.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2945 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2945, and 75-3707; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995; amended Sept. 18, 1998; amended, T-1-1-30-01, Feb. 4, 2001; amended May 25, 2001; amended June 5, 2005.)

1-5-10. Pay of employee rehired by reinstatement or reemployment. (a) Any person hired by reinstatement may be paid at the same step of the pay grade for the class to which the employee is reinstated as the step on which the employee was previously paid for the class that serves as the basis for the employee's eligibility for reinstatement. When an employee to be reinstated has exceptional qualifications and the agency cannot hire the person at the previous step, the agency's appointing authority may approve beginning pay at a higher step in the pay grade. Exceptional qualifications shall be based on the former employee's education, training, experience, skills, and other qualifications directly related to the vacant position.

(1) When a higher step in the pay grade has been established as the beginning pay for new hires to the class pursuant to K.A.R. 1-5-8 due to lack of candidates, the agency shall hire the employee at the higher beginning pay.

(2) Nothing in this subsection shall prevent a person from accepting reinstatement at a step lower than that on which the person was being paid in the class that serves as the basis for the employee's eligibility for reinstatement.

(b) The pay increase date for any person who is reinstated shall be governed by the time-on-step requirement of the step to which reinstated. Time-on-step in a previous position shall not count towards the time-on-step requirement.

(c)(1) Any person who is reemployed to the same class from which the person was laid off, or to a class with the same pay grade as that class,

shall be paid at the same step of the pay grade as the step on which the person was being paid on the date the person was laid off, or any lower step of the pay grade.

(2) Any person who is reemployed to a class with a pay grade lower than the class from which the person was laid off shall be paid at one of the following rates:

(A) the same pay rate (dollar amount) as the rate the person was being paid immediately before being laid off, if the rate is on a step in the lower pay grade. If that rate is within the pay grade for the class but not on a step, the person may be paid at the next lower step or the next higher step. However, in no case shall the person be paid above the maximum step of the lower pay grade; or

(B) a lower pay rate (dollar amount) than the person was being paid immediately before being laid off.

(d) In determining the pay increase date for any person who is reemployed to the class from which the person was laid off, to a class with the same pay grade as that class, or to a class with a pay grade lower than that class, the length of time the employee had spent on the last pay step immediately before the date the person was laid off shall count toward the time-on-step requirement. If the pay increase date for this person is less than six months after the date of reemployment, the agency may use the person's last performance review rating before layoff or may give a new performance review rating in determining the person's eligibility for a pay step increase, as provided in K.A.R. 1-5-19b. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2938, and 75-2948 and K.S.A. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995; amended Sept. 18, 1998.)

1-5-11. Pay of employee returned from military leave. (a) Except as provided in subsection (b) of this regulation, any employee who returns from military leave to a position in the same class in which the employee was employed when the leave was granted, or to a position in the same pay grade, shall be paid at the same step in the pay grade at which the employee was being paid when the leave began. In determining the em-

ployee's new pay increase date, credit shall be given for the time served in the armed forces.

(b) The appointing authority shall grant one or more pay step increases to an eligible employee upon the employee's return from military leave if the authority is reasonably certain the employee would have received the increase had the employee been continuously employed and state service not interrupted by military leave. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2947, as amended by 1995 SB 175, § 11; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended March 20, 1989; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995.)

1-5-12. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938 and K.S.A. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1987; amended Dec. 17, 1995; amended May 31, 1996; revoked Oct. 24, 1997.)

1-5-13. Pay of employee promoted to a higher class. (a) When an employee in the classified service is promoted or the employee's position is reallocated to a higher class, the appointing authority shall pay the employee on one of the following steps:

(1) the same step of the pay grade for the new class as the step on which the employee was being paid in the lower class;

(2) any lower step of the pay grade for the new class that gives the employee an increase in pay;

(3) the step for new hires in the class when a higher step in the pay grade has been established as the starting pay pursuant to K.A.R. 1-5-8; or

(4) a higher step in the pay grade, if the employee to be promoted has exceptional qualifications. Exceptional qualifications shall be based on the employee's education, training, experience, skills, and other qualifications directly related to the duties of the position to which promoted.

(b) Nothing in this regulation shall authorize pay above the maximum step of the pay grade.

(c) Each employee who is promoted or whose position is reallocated to a higher class shall receive step increases in accordance with the following provisions.

(1) A pay step increase shall be given on the same date, if eligible for such an increase.

(2) The pay increase date shall be governed by the time-on-step requirement of the step to which promoted.

(d) In a manner prescribed by the director, the appointing authority shall report to the director all hires made by the appointing authority pursuant to paragraph (a)(4) of this regulation. (Authorized by K.S.A. 1996 Supp. 75-3747, implementing K.S.A. 1996 Supp. 75-2938, K.S.A. 1996 Supp. 75-2938a, and K.S.A. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988; amended March 20, 1989; amended Dec. 17, 1995; amended Oct. 24, 1997.)

1-5-14. Pay of employee upon transfer.

(a)(1) Any employee who is transferred may be paid on the same step as the step on which the employee was paid before the transfer.

(2) Any employee may transfer to a lower step within the pay grade, if this transfer is agreed upon by the employee and the appointing authority.

(3) If an employee is transferred to a trainee class with an abbreviated pay grade in lieu of lay-off, the employee may be paid at the employee's present rate of pay if the rate of pay does not exceed the maximum pay rate for the pay grade to which the trainee class is assigned.

(b) For each employee whose pay is determined under subsection (a), the length of time that the employee has spent on the previous step shall count toward the time-on-step requirement for computing the employee's pay increase date.

(c) If an employee transfers from one position to another within the same agency, the appointing authority may pay the employee at a higher step on the pay grade than the step on which the employee was paid before the transfer if the appointing authority determines that the increase is in the best interests of the state. Nothing in this regulation shall authorize pay above the maximum step of the pay grade. The employee's pay increase date shall be governed by the time-on-step requirement of the new step.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938 and

75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1987; amended Dec. 17, 1995; amended Sept. 18, 1998; amended June 5, 2005.)

1-5-15. Pay of employee upon demotion.

(a) Each employee who is demoted, in accordance with applicable regulations, whether voluntarily or for disciplinary reasons, shall be paid at the same step of the pay grade for the lower class as the step on which the employee was being paid in the higher class, or at any higher step that results in a decrease in the rate of compensation, except as specified in subsection (b).

(b) Any employee accepting a voluntary demotion may be paid at a step of the new pay grade that does not result in a decrease in rate if the action is in the best interest of the state service, except that the employee's rate of pay shall not exceed the maximum pay rate for the new pay grade.

(c) Nothing in this regulation shall prevent a demotion being made to a step in the pay grade lower than permitted by this regulation, if agreed upon in writing by the employee and appointing authority. However, if an employee with permanent status is promoted and, subsequently, is demoted pursuant to K.S.A. 75-2944, and amendments thereto, the employee shall be paid on a step that is no lower than the same step of the pay grade for the lower class as the step that the employee was on immediately before the promotion.

(d) An employee who takes a voluntary demotion may also receive a pay step increase on the same date if the employee is eligible for this increase.

(e) The pay increase date for any employee demoted for disciplinary reasons shall be governed by the time-on-step requirement of the step to which demoted. The pay increase date for any employee who takes a voluntary demotion shall be unchanged if the employee did not receive a pay step increase on the date of the demotion.

(f) The provisions of K.A.R. 1-5-10, rather than this regulation, shall apply when a former permanent employee who was separated from the service for more than 30 days is reinstated to a class with a lower pay grade.

(g) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981;

amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended March 20, 1989; amended Jan. 6, 1992; amended Dec. 27, 1993; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996; amended Sept. 18, 1998; amended June 5, 2005.)

1-5-16. Pay of employee in position reallocated to a lower class.

(a) An employee whose position is reallocated to a class with a lower pay grade, and who is placed in the reallocated position as provided in K.A.R. 1-4-8, may continue to be paid by the appointing authority at the current pay rate (dollar amount) if that rate is on a step in the lower pay grade. In no case shall an employee be paid above the maximum step of the lower pay grade.

(b) The appointing authority may set the pay at a lower step than permitted by this regulation, except that the employee shall not be paid at less than the same step of the pay grade for the lower class as the step that the employee was on immediately prior to the reallocation.

(c) The length of time the incumbent has spent on the step of the previous pay grade shall count toward the time-on-step requirement for computing the pay increase date. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2938, as amended by 1995 SB 175, § 4, K.S.A. 1994 Supp. 75-2938a, and K.S.A. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995.)

1-5-17. Reserved.

1-5-18. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-5-19. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 1980 Supp. 75-2938; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; revoked May 1, 1983.)

1-5-19a. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 1981 Supp. 75-2938; effective May 1, 1983; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-5-19b. Individual pay step increases.

(a) Each employee whose latest performance review rating in the preceding 12-month period is at least satisfactory shall receive a pay step increase as provided by subsections (b) and (c) of this regulation, except as otherwise ordered by the governor.

(b) Each employee who is on the minimum step or the second step of a pay grade shall receive a one-step pay increase after six full months on that step of the pay grade.

(c) Each employee who is on the third step of a pay grade or any higher step, except the maximum step, shall receive a one-step pay increase after 12 full months on that step of the pay grade. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2938; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995; amended, T-1-1-30-01, Feb. 4, 2001; amended May 25, 2001.)

1-5-19c. Effect of pay grade changes on pay. (a) If the governor has assigned a class of positions to a higher pay grade, the appointing authority shall pay each employee in the class on one of the following steps:

(1) The same step of the pay grade for the new class as the step on which the employee was being paid in the lower class;

(2) any lower step of the pay grade for the new class that gives the employee an increase in pay; or

(3) the step on the pay grade of the new class that provides the same rate, in dollar amount, as the current rate paid to the employee.

(b) If the governor has assigned a class of positions to a lower pay grade, each employee in the class shall continue to be paid at the same rate, in dollar amount, as the rate paid to the employee immediately before the assignment to the new pay grade.

(c)(1) For those employees who receive an increase in pay under either paragraph (a)(1) or (a)(2), the pay increase date shall be governed by the time-on-step requirement of the new step.

(2) For those employees who did not receive an increase in pay under either paragraph (a)(3) or subsection (b), the length of time that the employee has spent on the step of the previous pay grade shall count toward the time-on-step requirement for computing the pay increase date. If

the employee's current salary is above the new pay grade, the employee shall not receive a salary increase until the employee's rate of pay is less than the highest step of the new pay grade.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2938a, and 75-3707; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995; amended Oct. 24, 1997; amended, T-1-1-30-01, Feb. 4, 2001; amended May 25, 2001; amended June 5, 2005.)

1-5-20. Individual pay decreases. (a) The appointing authority may reduce the pay of any employee one step because of a less than satisfactory rating according to the employee's current performance review. Such a decrease shall not result in a pay rate below the minimum step of the pay grade. Approval of the director shall be required for more than one of these reductions in any 12-month period.

(b) Following a pay decrease, the employee's pay increase date shall be governed by the time-on-step requirement of the new step, except that the pay may be increased to the step from which it was reduced in any later payroll period, if the employee's subsequent rating is satisfactory.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995; amended, T-1-1-30-01, Feb. 4, 2001; amended May 25, 2001; amended June 5, 2005.)

1-5-21. Biweekly salary or hourly rates. Each exempt employee shall be paid a biweekly salary. Each non-exempt employee shall be paid an hourly rate as determined under K.S.A. 1994 Supp. 75-5515, and amendments thereto. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747 and K.S.A. 75-5514; implementing K.S.A. 75-5506 and K.S.A. 1994 Supp. 75-5515; effective May 1, 1979; amended Dec. 17, 1995.)

1-5-22. Payment for two or more positions. (a) Each employee who is employed in two

or more regular, part-time positions shall receive separate pay for the duties performed in each position. Except as provided in subsection (c), the percentage of time worked on all positions shall not exceed 100 percent.

(b) Each employee in multiple regular, part-time positions shall receive benefits commensurate with the total time worked on all regular, part-time positions.

(c) Any classified exempt employee may hold one or more additional unclassified exempt positions teaching or conducting research in a state educational institution without limit on total pay, if the appointing authority in the classified service certifies that the position does not detract from the time for which the employee is being paid as a classified exempt employee. (Authorized by K.S.A. 2001 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1983; amended Dec. 17, 1995; amended May 31, 1996; amended Oct. 1, 1999; amended June 7, 2002.)

1-5-23. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended May 1, 1983; revoked Dec. 17, 1995.)

1-5-24. Overtime. (a) Except as otherwise provided by statute or these regulations, employees of the state who are eligible to receive overtime compensation under the fair labor standards act of 1938 (FLSA), as amended, shall be compensated for overtime as provided in that act. State employees in agricultural positions shall also be eligible for overtime compensation. The final determination of eligibility to receive overtime as specified in this subsection shall be made by the director for all classified employees and all unclassified employees whose pay is subject to approval by the governor under K.S.A. 75-2935b and amendments thereto.

(b)(1) The rate at which any eligible employee is to be compensated for overtime worked shall be one and a half times the employee's regular rate of pay. This rate shall not include premium pay for holidays worked or any call-in and callback compensation paid for hours not actually worked.

(2) All employees who are eligible for overtime compensation and who were paid for overtime during the 12 months preceding the receipt of a longevity bonus payment or a quality award bonus

payment shall receive an additional overtime payment, which shall be calculated as follows:

(A) Divide the bonus pay by total hours worked in the preceding 12 months to obtain the increase in the regular rate; and

(B) multiply the increase in the regular rate by the number of overtime hours paid in the preceding 12 months; then, multiply that product by one-half. The result shall be the employee's additional overtime pay.

No additional overtime pay shall be due for any overtime hours worked during the preceding 12 months for which compensatory time was given under subsection (e).

(c) Each appointing authority shall be responsible for control of overtime in the agency. Overtime, to the extent possible, shall be authorized in advance by the responsible supervisor.

(d)(1) Except as provided in paragraph (d)(3), in determining whether an employee in a position or class determined to be eligible for overtime pay has worked any overtime in a given workweek or work period, only time actually worked shall be considered.

(2) The number of hours of paid leave used in an employee's workweek or work period that, when added to the number of hours actually worked in that employee's workweek or work period, exceeds the applicable overtime threshold shall be compensated in the following manner:

(A) Given as equivalent time off as specified in subsection (f); or

(B) paid at the hourly rate of pay.

(3) If all of the following conditions are met, an official state holiday may be counted as time worked for employees in positions that have been determined to be eligible for overtime compensation:

(A) The employee is asked to report to work in order to respond to a building, highway, public safety, or other emergency, as determined by the appointing authority.

(B) This work is performed outside the employee's normal work schedule for the workweek or work period that includes the official state holiday.

(C) The appointing authority authorizes inclusion of that official state holiday in calculating time worked by the employee.

The appointing authority shall report to the director the name and position number of each employee for whom the state holiday will be counted as time worked.

(e)(1)(A) In lieu of paying an eligible employee

at the time-and-a-half rate for overtime worked, an appointing authority may elect to compensate an employee for overtime worked by granting compensatory time off, at the rate of one and a half hours off for each hour of overtime worked, at some time after the workweek or work period in which the overtime was worked if the conditions of paragraph (e)(1)(B) are met.

(B) Any appointing authority may elect to compensate an employee for overtime worked by granting compensatory time off only if an agreement or understanding has been reached before the performance of the work. Except as provided in 29 C.F.R. 553.23(b), the agreement or understanding concerning compensatory time off shall be between the appointing authority and the individual employee, and a record of its existence shall be maintained for each employee. The agreement or understanding to provide compensatory time off may take the form of an express condition of employment if the employee knowingly and voluntarily agrees to it as a condition of employment and if the employee is informed that the compensatory time earned may be preserved, used, or cashed out in a manner consistent with the provisions of this regulation. The appointing authority of any agency that had a regular practice of awarding compensatory time off in lieu of overtime pay before April 15, 1986 shall be deemed to have reached an agreement or understanding with any employee who has been continuously employed by that agency in one or more positions that are eligible for overtime from a date before April 15, 1986.

(2) An eligible employee shall not accrue more than 240 hours of compensatory time for overtime hours worked. Each eligible employee who has accrued 240 hours of compensatory time off shall, for any additional overtime hours of work, be compensated with overtime pay. However, an appointing authority may establish a lower maximum accumulation for employees in that agency.

(3) If an eligible employee is paid for accrued compensatory time off, this compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment.

(4)(A) Except as provided in K.A.R. 1-9-14 (a), each eligible employee who has accrued compensatory time off authorized under this subsection shall, upon termination of employment or upon promotion, demotion, or transfer to another state agency, be paid for the unused compensatory time

at a rate of compensation not less than the higher of either of the following rates:

(i) The average regular rate received by the eligible employee during the last three years of the employee's employment; or

(ii) the final regular rate received by the eligible employee.

(B) Any longevity or quality award bonus payments received during the last three years of employment shall be included in determining the average regular rate and the final regular rate specified in paragraph (e)(4)(A).

(5)(A) Each eligible employee who has accrued compensatory time off authorized under this subsection and who has requested the use of compensatory time shall be permitted by the appointing authority to use this time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the agency.

(B) Each employee who has accrued compensatory time and whose FLSA status is changed to exempt shall be granted the compensatory time off, paid for the entire amount, or provided a combination of both compensatory time off and pay, so that there is no remaining compensatory time balance before the employee's status changes to exempt.

(C) Each employee who has accrued compensatory time off under this subsection may be required by the appointing authority to use the compensatory time within a reasonable period after receiving notice of this requirement. The notice shall state the length of time in which a specified number of hours of compensatory time are to be used.

(f) When an employee who is eligible for overtime works additional time that could result in overtime hours, that employee's appointing authority may give the employee equivalent time off, on an hour-for-hour basis, in the workweek or work period in which the additional time is worked if any of the following conditions is met:

(1) The appointing authority notifies the employee of the change in the employee's normal work schedule for that workweek or work period at least five calendar days in advance of the day in which the employee's normal work schedule is first changed.

(2) The appointing authority has established a written policy stating that the employee may be required to take equivalent time off, on an hour-

for-hour basis, in the workweek or work period in which additional time is worked.

(3) The employee requests or agrees to take equivalent time off during the workweek or work period in which additional time was worked, and the appointing authority determines that this arrangement is not detrimental to the operations of the agency.

In any case, the equivalent time off shall be taken at a time agreeable to the appointing authority during the workweek or work period in which the additional time is worked.

(g) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, K.S.A. 75-5507, and 75-5514; implementing K.S.A. 75-2938, 75-3707, 75-3746, 75-5508, K.S.A. 2004 Supp. 75-5537, and K.S.A. 75-5541; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended, T-86-36, Dec. 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 27, 1994; amended Dec. 17, 1995; amended May 31, 1996, amended Sept. 1, 2000; amended June 5, 2005.)

1-5-25. Call-in and call-back pay. (a) An appointing authority may call an employee in to work on a regular day off or may call an employee back to work after a regular work schedule. Except as provided in subsection (b), employees of the state who are eligible to receive overtime pursuant to K.A.R. 1-5-24, and who are called in to work on a regular day off or are called back to work after a regular work schedule, shall be paid at the appropriate rate of pay for the hours worked. Except as noted below, such employees shall be paid for a minimum of two hours. The minimum of two hours shall not apply if the employee was on stand-by when called in or called back, nor shall it apply if the employee was called in or called back during the two hour period immediately prior to the beginning of the employee's next regularly scheduled work shift. Only the hours actually worked shall be credited in determining eligibility for overtime compensation.

(b) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for call-in and call-back pay as provided in this regu-

lation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for call-in and call-back may be modified by the secretary upon recommendation of the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-26. Stand-by compensation. (a) Any appointing authority may require a non-exempt employee to be on stand-by. "Stand-by time" means a period of time outside a non-exempt employee's regularly scheduled work hours, during which the non-exempt employee is required, at agency direction, to remain available to the agency within a specified response time. Each non-exempt employee on stand-by shall be available at agency direction for recall to perform necessary work. Stand-by assignments shall be limited to work situations where a probability of emergency recall of a non-exempt employee or employees exists. When an employer is able to contact employees by means of a paging device, the employer shall establish a policy stating whether such employees are eligible for stand-by compensation.

(b) Except as provided in subsection (f), each non-exempt employee shall be compensated at the rate of one dollar per hour for each hour the employee serves on stand-by status.

(c) Each non-exempt employee on stand-by who is called in to work shall be compensated for the actual hours worked at the appropriate rate of pay, but shall not be paid stand-by compensation for the hours actually worked. Only the hours actually worked by the non-exempt employee shall be credited in determining eligibility for overtime compensation.

(d) Time during which a non-exempt employee is restricted to a particular telephone number at a location designated by the employer, or to the employer's premises, in order to remain personally available to the employer shall be considered hours worked and the employee shall be compensated at the employee's regular rate of pay instead of receiving stand-by compensation.

(e) Any non-exempt employee on stand-by, or who is subject to the provisions of subsection (d), who is not available when called, and who does not present reasonable justification for failure to report when called, shall lose compensation for that stand-by period and may be subject to disciplinary action.

(f) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, as in effect on July 1, 1994, shall determine whether those employees will be eligible for stand-by compensation as provided in this regulation and shall submit a written statement regarding that determination to the director. The determination as to eligibility for stand-by compensation may be modified by the secretary upon recommendation of the director. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 31, 1996.)

1-5-27. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Jan. 6, 1992.)

1-5-28. Shift differential. (a) Each agency having multi-shift operations shall designate one or more shifts as a normal day shift. Each agency shall specify no more than 12 consecutive hours in the day from which normal day shifts may be designated. Each normal day shift shall fall entirely within those designated hours.

(b) Except as provided in subsection (e), a shift differential shall be paid to classified employees in positions eligible to receive overtime pursuant to K.A.R. 1-5-24 for hours worked on regularly established shifts other than the normal day shift or shifts. The shift differential shall not be paid to an employee for any time the employee is on any type of leave or holiday or when the employee works unscheduled hours before or after a normal day shift.

(c) Upon recommendation of the secretary, the amount of the shift differential shall be that amount set by executive directive of the governor. The amount shall be recommended by the secretary after consideration of pay survey data and other appropriate and relevant factors, which shall be reviewed at least annually.

(d) With regard to particular classes of employees, or particular agencies, or employees located in particular geographic areas of the state, a recommendation to extend or deny the shift differential authorized by this regulation may be submitted by the director of personnel services to the secretary. This extension or denial shall be effective when approved by executive directive of the governor.

(e) The head of each agency with employees engaged in law enforcement and fire fighting ac-

tivities, as defined in 29 C.F.R. 553, as in effect on July 1, 1994, shall determine whether such employees will be eligible for shift differential as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for shift differential may be modified by executive directive of the governor. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746, and K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Jan. 6, 1992; amended July 26, 1993; amended Dec. 17, 1995.)

1-5-29. Longevity bonus pay. (a) Upon completion of 10 years of length of service, each classified employee in a regular position shall be eligible for longevity bonus pay.

(b) The longevity bonus payment for each eligible employee shall be computed by multiplying \$40 by the number of full years of state service, not to exceed 25 years.

(c) Longevity bonus pay shall increase the regular rate applying to overtime pay for hours worked during the 12 months preceding the date the longevity bonus is paid to the employee and shall be considered in calculating the payment of compensatory time to an employee upon termination as provided in K.A.R. 1-5-24. (Authorized by K.S.A. 75-5541; implementing K.S.A. 75-5541 and K.S.A. 75-2943; effective, T-1-7-27-89, July 27, 1989; effective Nov. 20, 1989; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended Dec. 17, 1995; amended June 7, 2002.)

1-5-30. Benefits for employees activated to military duty. (a) Each employee who is ordered to report for active military service upon the activation of the National Guard and reserve units by presidential order, or who volunteers for this active duty, shall be eligible for the following benefits:

(1) The employee shall continue to accrue length of service, but shall not accrue vacation or sick leave. Upon return to work, the employee's vacation leave accrual rate shall be increased to the appropriate level if the length of service the employee accrued while on military leave qualifies the employee for a higher accrual rate.

(2) A death benefit shall be payable if the em-

ployee dies while on active military duty. The death benefit shall be in an amount equal to the amount provided by the group term life insurance through the Kansas public employees retirement system that the employee would have received at the time of death if the employee had not been on active duty. The employing state agency at the time the employee entered active duty shall pay the death benefit. The death benefit shall be paid to the employee's beneficiary or beneficiaries, as designated on forms approved by the director of personnel services. If no beneficiary has been designated, the death benefit shall be paid to the estate of the employee. The provisions of this paragraph shall be applicable to each state employee who meets the following conditions:

(A) Immediately before entering active duty, was eligible for the insured death benefit provided under K.S.A. 74-4901 *et seq.*, and amendments thereto, and funded by the employing agency; and

(B) would not, at the time of death, be eligible for the death benefit described under paragraph (a)(2)(A).

(b) This regulation shall not apply to federal active duty for training purposes.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective, T-1-9-10-90, Sept. 10, 1990; effective Jan. 7, 1991; amended Jan. 6, 1992; amended Dec. 17, 1995; amended June 5, 2005.)

Article 6.—RECRUITING AND STAFFING

1-6-1. Registration for employment.

Each person seeking employment with the state shall register on forms prescribed by the director, and these forms may be submitted or updated at any time. Registering with the state shall not constitute applying for a vacancy. This regulation shall be effective on and after December 17, 1995. (Authorized by 1994 Supp. 75-3747; implementing K.S.A. 75-2944, as amended by 1995 SB 175, § 9, K.S.A. 75-2939, as amended by 1995 SB 175, § 5, and K.S.A. 75-2942, as amended by 1995 SB 175, § 7; effective May 1, 1979; amended May 1, 1981; amended Dec. 17, 1995.)

1-6-2. Recruitment. (a)(1) For each classified vacancy to be filled, the appointing authority shall post a job requisition on the central notice

of vacancy report administered by the director, except as provided in subsection (b).

(A) Each job requisition posted on the central notice of vacancy report shall be open to applications from the following individuals:

(i) Employees within the agency that is posting the job requisition;

(ii) persons in the reemployment pool; and

(iii) persons who separate from state service due to a permanent disability for which the employee receives disability benefits from either the Kansas public employee retirement system or the United States social security administration.

(B) The appointing authority may then determine whether recruitment will also be conducted among the following additional groups of individuals:

(i) All state employees and persons eligible for reinstatement; or

(ii) all state employees, persons eligible for reinstatement, and the general public.

(2) Notices of the vacancy shall be made available to all agency personnel offices. Appropriate and reasonable distribution within each agency shall be the responsibility of the appointing authority.

(3) The appointing authority, within guidelines established by the director, shall establish a period of time in which applications will be accepted for each vacancy.

(b) Notices of a vacancy shall not be required under any of the following conditions:

(1) A temporary position is to be filled.

(2) A position is to be filled by demotion or transfer.

(3) A position is to be reallocated.

(4) A governor's trainee position is to be filled.

(5) The director determines that, for good cause, a notice is not in the best interests of the state.

(c) All job postings, announcements, and advertisements for vacancies in safety-sensitive positions as defined in K.S.A. 75-4362, and amendments thereto, or in commercial driver positions as defined in K.A.R. 1-2-20 shall include a statement regarding the drug testing requirements set forth in K.A.R. 1-6-32, K.A.R. 1-6-33, K.A.R. 1-9-19a, and K.A.R. 1-9-25. (Authorized by K.S.A. 75-3706, K.S.A. 2005 Supp. 75-3747, and 75-4362; implementing K.S.A. 75-2939, 75-2942, 75-2943, 75-2944, 75-2945, 75-3707, 75-3746, and K.S.A. 2005 Supp. 75-4362; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983;

amended, T-1-10-28-88, Oct. 31, 1988; amended Dec. 18, 1988; amended April 13, 1992; amended Dec. 17, 1995; amended Aug. 1, 1997; amended June 5, 2005; amended Sept. 29, 2006.)

1-6-3. Filling vacancies. (a) For each classification, required selection criteria shall be established by the director concerning education, experience, age, physical requirements, character, and other factors that are related to ability to perform satisfactorily the duties of positions in the class. Each required selection criterion shall relate directly to the duties of positions in the class. Optional selection criteria may be established by the director for one or more classes, which may be designated by the appointing authority as preferred or required for particular positions in the classes.

(b) Each applicant certified to the pool of eligible candidates shall meet the required selection criteria for that class and position at the time of hire. If the required selection criteria for a class or position includes a degree requirement, any applicant who is expected to complete the degree requirement by the end of the current academic term may be certified to the pool of eligible candidates for that class or position and extended a conditional offer of employment. The applicant shall meet the degree requirement at the time of hire.

(c) Any agency may establish preferred selection criteria, in addition to those provided under subsection (a), in order to determine the capacity and fitness of each eligible candidate in the pool to perform the position's specific duties. (Authorized by K.S.A. 2001 Supp. 75-3747; implementing K.S.A. 75-2939, K.S.A. 75-2943, and K.S.A. 75-2944; effective May 1, 1979; amended Dec. 17, 1995; amended June 7, 2002.)

1-6-4 to 1-6-5. These regulations shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-6-6. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2944; effective May 1, 1979; amended May 1, 1983; revoked Dec. 17, 1995.)

1-6-7. Disqualification of applicants and candidates. (a) Any applicant or candidate may be disqualified by the director in the following circumstances. The director may refuse to assess an

applicant or a candidate, or may refuse to place a candidate in the eligible pool, or may remove a candidate from the eligible pool when the applicant or candidate has been dismissed from employment with the state for delinquency or misconduct, or fails to furnish a complete application or any information requested by the director, or for any of the reasons stated in K.S.A. 75-2940.

(b) Whenever the director disqualifies an applicant or candidate from any part of the employment process, a statement of the reasons for the disqualification shall be provided by the director. The applicant or candidate shall be provided an opportunity to respond in writing or to appear before the director within 14 calendar days to provide cause why the action should not be taken.

(c) The applicant or candidate may request in writing, within 30 days from the date of the disqualification, a hearing before the civil service board to determine the reasonableness of the action. The board shall, within a reasonable period, grant the applicant or candidate a hearing. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2940, as amended by 1995 SB 175, § 6; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983; amended Dec. 17, 1995.)

1-6-8. Selection instruments. (a) Each appointing authority shall develop selection instruments to fairly assess the capacity and fitness of applicants to perform the duties of the position in which employment is sought. Selection instruments may include ratings of training, experience, and other qualifications, written tests, performance tests, interviews, physical fitness tests, assessment center evaluations, medical examinations, or other selection procedures. In accordance with these regulations, the appointing authority shall be responsible for developing, maintaining, and validating selection instruments and shall make all selection instruments, procedures, records, or other selection materials available to the director upon request. Any agency, upon request, may be assisted by the director in developing, maintaining, and validating selection instruments. Selection instruments may also be developed, maintained, and validated by the director.

(b) Promotional selection instruments shall include, in addition to any or all of the selection

instruments identified above, consideration of the applicant's performance and length of service.

(c) Subject to policies established by the appointing authority to protect the confidentiality of information obtained by using the selection instruments, the document or records containing this information may be inspected by the applicant.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2939, 75-2942, 75-2943, and 75-3746; effective May 1, 1979; amended Dec. 17, 1995; amended Aug. 1, 1997; amended June 5, 2005.)

1-6-9 to 1-6-15. These regulations shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-6-16. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747 as amended by L. 1985, Ch. 276, Sec. 10; implementing K.S.A. 75-2942 as amended by L. 1985, Ch. 276, Sec. 4; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; revoked Dec. 17, 1995.)

1-6-17. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-6-18. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2942, 75-2943, 75-3746, 75-2948; effective May 1, 1979; amended May 1, 1984; revoked Dec. 17, 1995.)

1-6-19 to 1-6-20. These regulations shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked Dec. 17, 1995.)

1-6-21. Candidate pools for regular positions. (a) For each vacancy in a regular position that is to be filled, the appointing authority shall hire from among those persons certified as eligible. The pool of candidates certified as eligible to fill a vacant position may be used to fill one or more other vacancies in the same classification within 60 days of the last date on which applications are accepted for the first vacant position.

(b) The selection criteria shall be job-related.

Each agency shall provide the candidates with equal consideration when applying the selection criteria.

(c) Each veteran who meets the minimum requirements for a vacant position shall be offered an interview for that vacancy when all of the following conditions are met:

(1) The vacancy is a regular position.

(2) A notice of vacancy, including a notice of an internal vacancy, has been posted for that position in accordance with the provisions of K.A.R. 1-6-2.

(3) No individuals who are eligible for the Kansas employee preference program have applied for that vacancy.

(d) The veterans' preference policy set out in subsection (c) shall not apply to any veteran who was dismissed or did not resign in good standing from state service.

(e) For the purposes of this regulation, "veteran" means any individual who is eligible for the veterans' preference under the provisions of K.S.A. 75-2955, and amendments thereto. (Authorized by K.S.A. 2002 Supp. 75-3747 and K.S.A. 75-2955; implementing K.S.A. 75-2943 and 75-2955; effective May 1, 1979; amended May 1, 1983; amended May 1, 1985; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended Dec. 17, 1995; amended Aug. 1, 1997; amended June 7, 2002; amended Dec. 1, 2003.)

1-6-22. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 1994 Supp. 75-2935; effective May 1, 1979; amended May 1, 1983; amended Dec. 17, 1995; revoked Aug. 1, 1997.)

1-6-22a. Training classes. (a) Certain classes of positions may be designated by the director as training classes. Each person employed in a training class shall be in training status and not in probationary or permanent status. The training period served for each training class established as provided by this regulation shall be specified by written agreement between the director and the appointing authority of the agency in which the training class is used. If a specific training class is used by more than one agency, the duration of the training period served for that class shall be established by the director after consultation with all agencies that use the class.

(b) The appointing authority may dismiss a trainee at any time, except as follows.

(1) If a trainee was promoted from a classified

position in which an employee held permanent status, the provisions in K.S.A. 75-2944, and amendments thereto, shall apply.

(2) If an employee who was demoted or transferred to a trainee position is terminated for reasons other than personal conduct, the employee shall be accorded the right to a position in the class in which the employee held permanent status immediately before the trainee position.

(c) The period served by an employee in a training class shall not be counted as part of the probationary period if the employee is subsequently employed in a regular position.

(d) Upon meeting the minimum qualifications for the applicable class and satisfactorily performing the job duties, responsibilities, and training requirements of the trainee position, each employee in a training class shall be placed in the applicable class as a probationary employee and serve a probationary period as established by K.A.R. 1-7-4. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective Dec. 27, 1993; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996; amended Sept. 18, 1998; amended Sept. 29, 2006.)

1-6-23. Reemployment. (a) (1) Except as provided in subsection (b), each employee who is laid off, or demoted or transferred in lieu of layoff, shall be placed in a reemployment pool by the director, unless the employee requests in writing to not be placed in the reemployment pool. Each employee in the reemployment pool shall be eligible to apply for any vacancy to be filled, including any internal vacancy, until the date the employee is reemployed or for three years from the date of the layoff, whichever occurs first.

(2) Each employee who is eligible for reemployment and who is also a veteran shall be offered an interview for any vacancy that meets all of the following conditions:

(A) The vacancy is for a regular position in the classified service.

(B) The vacant position is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the notice of layoff.

(C) The employee meets the minimum requirements for the position.

(b)(1) Each individual who meets all of the following conditions shall be eligible for the Kansas

employee preference program, as provided in this subsection:

(A) The individual received a written layoff notice in accordance with K.A.R. 1-14-9 for a layoff that was effective on or after June 8, 2002.

(B) The individual's most recent performance rating before receiving the layoff notice was "satisfactory" or better.

(C) The individual was not suspended, demoted, or terminated as provided in K.S.A. 75-2949, and amendments thereto, in the 12 months preceding the date on which the individual received the layoff notice.

(2) Each individual who qualifies under paragraph (b)(1) shall remain eligible for the Kansas employee preference program until any of the following events occurs:

(A) The individual is appointed to a classified or unclassified position that is eligible for benefits.

(B) An eligible individual who was laid off or is scheduled to be laid off from a regular position that was not eligible for benefits chooses to use the Kansas employee preference for any position, whether or not that position is eligible for benefits, and the individual then is appointed to that position.

(C) A period of 12 consecutive months has passed since the effective date of the layoff or since July 30, 2003, whichever date is later. Each individual who is eligible for the Kansas employee preference program, but has not been reemployed under any of the circumstances identified in paragraph (b)(2)(A) or (b)(2)(B) at the end of that 12-month period shall remain eligible for reemployment as provided in subsection (a).

(D) The individual is suspended, demoted, or terminated as provided in K.S.A. 75-2949, and amendments thereto, at any time after the individual becomes eligible for the Kansas employee preference program, but before the date on which the individual is actually laid off.

(3) Each individual who is qualified to receive a Kansas employee preference shall be eligible to apply for any vacancy that meets the following conditions:

(A) The vacancy is for a classified position that is eligible for benefits, except that when the individual who is eligible for the Kansas employee preference program was laid off from or has received a layoff notice for a regular position that is not eligible for benefits, the vacancy may be for any regular position in the classified service,

whether or not the vacant position is eligible for benefits;

(B) the vacant position is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the layoff notice; and

(C) the vacant position to be filled is one for which a notice of vacancy will be posted in accordance with the provisions of K.A.R. 1-6-2, including an internal vacancy.

(4) Upon receiving an application for the vacant position from an individual who is eligible for a Kansas employee preference, the appointing authority shall offer the position to the individual if the individual meets the minimum requirements for the position, subject to the following requirements:

(A)(i) If only one individual who is eligible for a Kansas employee preference applies for the position and is determined to meet the minimum requirements for the position, the appointing authority shall schedule an interview with the individual to provide the appointing authority with an opportunity to assess the employee's ability to successfully perform the duties and responsibilities of the position and to provide the individual with an opportunity to determine whether the position is of interest to the individual.

(ii) Following the interview, the appointing authority shall offer the position to the individual, unless the director determines that the individual cannot successfully perform the duties and responsibilities of the position under paragraph (b)(4)(C).

(iii) The individual who is offered the position as provided in this paragraph (b)(4)(A) shall inform the appointing authority whether the individual accepts or rejects the offer within two business days of the date on which the position is offered.

(B) If more than one individual who is eligible for a Kansas employee preference applies for the position and meets the minimum requirements for the position, the appointing authority shall apply additional, job-related selection criteria in accordance with K.A.R. 1-6-21 in considering the application of each of these individuals, subject to the following conditions and requirements:

(i) The appointing authority shall not be required to interview more than seven individuals, except that each individual who is a veteran shall be offered an opportunity for an interview.

(ii) After considering the additional, job-re-

lated selection criteria, the appointing authority shall offer the position to one of these individuals, except that the appointing authority shall not be required to offer the position to any individual who the director determines cannot successfully perform the duties and responsibilities of the position under paragraph (b)(4)(C).

(iii) Any individual who is a veteran shall be offered the position if that individual is determined to be equally qualified after applying the additional, job-related selection criteria.

(iv) The individual who is offered the position as provided in this paragraph (b)(4)(B) shall inform the appointing authority whether the individual accepts or rejects the offer within two business days of the date on which the position is offered.

(C) If the appointing authority submits written documentation to the director and, based on the documentation, the director determines in writing that there is a clear indication that an individual who is eligible for the Kansas employee preference could not, after minimal training or a reasonable amount of experience on the job, successfully perform the duties and responsibilities of the position, the appointing authority shall not be required to offer the position to that individual.

(c) For purposes of this regulation, "veteran" means any individual who is eligible for a veteran's preference under the provisions of K.S.A. 75-2955, and amendments thereto.

(d) This regulation shall be effective on and after July 30, 2003. (Authorized by K.S.A. 2002 Supp. 75-3747 and K.S.A. 75-2948; implementing K.S.A. 75-2948; effective May 1, 1979; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 27, 1993; amended Dec. 17, 1995; amended May 31, 1996; amended, T-1-4-1-03, April 1, 2003; amended July 25, 2003.)

1-6-24. Transfer. (a) Any appointing authority may transfer any employee with permanent status in accordance with the following regulations.

(1) An employee with permanent status may be transferred from a duty station in one county to a duty station in another county with the consent of the secretary of administration or the written consent of the employee.

(2) Any appointing authority may accept, by transfer, any employee with permanent status employed in another agency.

(3) Any employee with permanent status, or any employee serving a probationary period because of a promotion, may be transferred from a position in one class to a position in a different class if both positions are allocated to classes which are assigned to the same pay grade, have a close similarity of duties, and have essentially the same qualifications, and if the employee meets the qualifications for the new class.

(4) Each employee with permanent status who is transferred from one position to another position shall retain permanent status in the new position.

(b) Any appointing authority may transfer an employee on probationary status from one position in a class to another position in the same class in the agency. An appointing authority may accept, by transfer, an employee with probationary status employed in another agency, if the transfer is to a position in the same class. The probationary period of an employee transferred pursuant to this regulation shall be determined in accordance with K.A.R. 1-7-4.

(c) Approval of the employee shall not be required when a transfer within an agency, or between agencies, is made pursuant to this regulation.

(d) Each employee who is transferred from the unclassified service to a position in the classified service pursuant to the provisions of this subsection shall serve a probationary period in accordance with K.A.R. 1-7-4. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2947, K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended March 20, 1989; amended Dec. 17, 1995; amended May 31, 1996.)

1-6-25. Temporary positions. (a) Except as otherwise provided by law, any appointing authority may fill a temporary position with any person who meets the required selection criteria for the class and the position. Employment of a person in one or more temporary positions shall not exceed 999 total hours of employment in state service for a period of 12 consecutive months. If the duration of a temporary position is to be less than 999 hours, the maximum duration of the temporary position shall be indicated by the appointing authority. All time worked, including overtime, shall count towards the 999 hours. Each temporary appointment shall be ended no later

than 12 months after its commencement, even if the appointee works fewer than 999 hours. Any person may occupy more than one temporary position in a period of 12 consecutive months, if the total number of hours of employment in state service does not exceed 999 hours.

(b) Time worked in one or more temporary positions shall not be counted as part of the probationary period if an individual is subsequently hired in a regular position. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2945; effective May 1, 1979; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended Oct. 1, 1999.)

1-6-26. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2945; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1984; revoked Dec. 17, 1995.)

1-6-26a. Limited-term positions. (a) "Limited-term position" means a position in the classified service that is scheduled to terminate within a predetermined period of time, as stipulated in grant specifications or other contractual agreements.

(b) Each individual in a limited-term position shall be notified at the time of hiring of the expiration date of the grant or contractual agreement. No employee with permanent status may be transferred to a limited-term position without the written consent of that employee. The end date of the position shall be entered on the employee's personnel record at the time of hiring.

(c) Each individual in a limited-term position shall be terminated on the end date of that position, subject to any extensions of the limited-term position. The termination of any employee who serves the full length of a limited-term position shall not be considered a layoff of that employee, and the provisions of K.S.A. 75-2948, and amendments thereto, and any regulations adopted under that statute shall not apply to the employee. (Authorized by K.S.A. 2001 Supp. 75-3747; implementing K.S.A. 75-3746 and 75-2948; effective June 7, 2002.)

1-6-27. Demotion. (a) Any employee with permanent status may be demoted to a position

in a lower class if that position is in the same series of classes, or if the appointing authority determines that the employee can reasonably be expected to perform satisfactorily the duties of the position in the lower class. Each employee with permanent status who is demoted pursuant to this regulation shall be granted permanent status in the class to which demoted, effective on the date of the demotion.

(b) Each request for a voluntary demotion shall be subject to approval of the appointing authority. The employee shall not be entitled to appeal the voluntary demotion to the civil service board.

(c) The demotion of an employee with permanent status for unsatisfactory performance of duties, for disciplinary reasons, or for other good cause shall be managed in accordance with the appropriate procedures specified in K.S.A. 75-2944, K.S.A. 75-2949, K.S.A. 75-2949d, K.S.A. 75-2949e, and K.S.A. 75-2949f, and amendments thereto.

(d) An appointing authority may demote any new hire probationary employee or any probationary employee who was rehired on a basis other than reemployment or reinstatement to a class in a lower pay grade within the agency if the employee meets the qualifications for the lower class, if the employee can satisfactorily perform the duties of the lower class and if the employee has consented. Each employee with probationary status who is demoted under this subsection shall start a new probationary period that shall be no fewer than six months in length.

(e) Each unclassified employee who is voluntarily demoted to a regular classified position shall serve a probationary period in accordance with K.A.R. 1-7-4.

(f) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 2004 Supp. 75-2949; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended Dec. 17, 1995; amended Aug. 1, 1997; amended June 5, 2005.)

1-6-28. Overlapping hires. (a) In filling a position that is not yet vacated by the incumbent, the agency may have the incumbent and the new employee on the position concurrently for a period not to exceed four weeks.

(b) When an employee is on extended leave, the appointing authority may fill the regular position. The agency shall notify the employee in

writing at the time the employee is hired that the employee shall not obtain permanent status in the position, unless the employee on leave does not return or for some other reason it is possible and advisable to grant the new employee permanent status. The probationary period for the employee may be extended by the appointing authority without regard to limits on the duration of probationary periods established elsewhere in these regulations. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended Dec. 17, 1995.)

1-6-29. Acting assignments. (a) Any appointing authority may temporarily assign an employee who has permanent status to perform the duties of another position on the basis of an acting assignment if all of the following conditions are met:

(1)(A) The other position is vacant; or

(B) The incumbent in the other position is unable or unavailable to perform the duties of that position for 30 days or more.

(2) The appointing authority makes both of the following determinations:

(A) It is necessary to assign the duties of the other position to another employee until the vacancy is filled or the incumbent returns to work.

(B) There are no other viable alternatives to an acting assignment.

(3) The employee meets the qualifications of the other position.

(4) The acting assignment is made in accordance with the provisions of this regulation.

(b) The appointing authority shall initiate action to fill the position on a permanent basis, if the incumbent has permanently vacated the position. However, the appointing authority may delay filling the position because of a shortage of funds.

(c) Acting assignments shall not be used to generate a series of acting assignments for an employee.

(d) An acting assignment shall not exceed one year in length unless approved by the director. No acting assignments made pursuant to K.S.A. 75-4315a shall exceed 12 months in duration. Acting assignments shall not be retroactive. The acting assignment procedure shall not be used for a short duration, temporary assignment of an employee for fewer than 30 days.

(e) Documentation of the acting assignment

shall be placed in the employee's permanent record.

(f)(1) If an employee is acting in a position assigned to a pay grade higher than that of the employee's normal position, the employee shall be paid at a step on the higher grade that gives the employee an increase in pay. Such an increase shall not exceed the highest step that would be possible if the employee was being promoted to the position.

(2) When the acting assignment is terminated and the employee is returned to the former class, the employee's pay shall revert to whatever rate it would have been had the employee not received the acting assignment.

(3) Neither the employee's pay increase date nor the employee's status in the normal position shall be affected by an acting assignment.

(g)(1) If an employee is acting in a position assigned to the same pay grade as that of the employee's normal position, the appointing authority may compensate the employee at a higher step of the pay grade than the step on which the employee is paid in the employee's normal position if the appointing authority determines the pay increase is in the best interests of the state. Nothing in this regulation shall authorize pay above the maximum step of the pay grade. The employee's pay increase date shall be governed by the time-on-step requirement of the new step to which the employee is assigned under this subsection.

(2) When the acting assignment is terminated and the employee is returned to the former class, the employee's pay shall revert to whatever rate it would have been had the employee not received the acting assignment.

(h) If an employee is acting in a position assigned to a pay grade lower than that of the employee's normal position, the employee shall be paid at the employee's normal pay rate.

(i) For the duration of any acting assignment, the employee may receive pay step increases in accordance with applicable pay step increase regulations.

(j) If the employee is promoted to a position in which the employee has served in an acting assignment, any accumulated months shall count towards the next pay step increase. The time served in the acting assignment may be credited towards the probationary period required for promotions.

(k) In a manner prescribed by the director, the appointing authority shall report to the director

all acting assignments made by the appointing authority pursuant to this regulation.

(l) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-3707, 75-3746, and 75-4315a; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Jan. 6, 1992; amended Dec. 17, 1995; amended Oct. 24, 1997; amended June 5, 2005.)

1-6-30. Reinstatement. Each employee with permanent status who separates from state service in good standing may for a period of one year from the date of separation apply for, and may be certified as a candidate for, any vacancies open to state employees only, and may be rehired as a reinstatement. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1983; amended Dec. 17, 1995; amended Sept. 18, 1998.)

1-6-31. Governor's trainee program. (a) Any agency may fill an existing vacancy under the governor's trainee program according to the provisions of this regulation.

(1) "Governor's trainee program" means a program to attract and utilize females, minorities, and persons with disabilities as defined in K.A.R. 1-2-34 in order to provide career development opportunities.

(2) "Underutilization" means a lower representation in a class or EEO job category in an agency organizational unit's workforce or the agency's workforce of females, minorities or persons with disabilities as defined in K.A.R. 1-2-34 than would be expected by their availability.

(3) An agency shall not create additional positions as a result of using the governor's trainee program.

(4) Governor's trainee program positions shall be created only from the following:

- (A) vacancies arising out of attrition;
- (B) vacancies created by the legislature; or
- (C) vacancies created by actions taken pursuant to K.S.A. 75-2949.

(b) Each agency electing to fill a vacant position under the governor's trainee program shall first conduct an underutilization review to determine if underutilization exists in a class or EEO job category, or both, in the agency workforce or the agency organizational unit in which the vacancy exists.

(c) The agency shall submit information to the director regarding the vacant position and the data used in determining underutilization. When the director has verified underutilization, the agency shall be notified that the director has established a trainee classification and reallocated the position. The notice from the director shall include authorization for the agency to recruit persons who are members of the underutilized protected group or groups.

(d) After the close of the application period, the agency shall select, on a competitive basis, an applicant who:

(1) is a member of an underutilized protected group;

(2) will not, at the time of hiring, meet the required selection criteria for the regular class of the trainee position;

(3) will be able to meet the required selection criteria for the regular class within 24 months; and

(4) is deemed qualified to satisfactorily perform the duties of the trainee position.

(e) When the agency has selected a trainee for the position, the agency shall submit to the director:

(1) documentation that the trainee meets the requirements of subsection (d); and

(2) a copy of a proposed training and evaluation plan developed for the trainee that provides for regular assessments of the trainee's progress and communication of the assessments to the trainee.

(f) Each person hired as a governor's trainee shall be paid at two pay grades lower than the grade for the applicable regular class.

(g) The agency shall submit a progress report on each trainee to the director at least once each six months while the trainee is in training.

(h) When the trainee meets the required selection criteria for the applicable regular class, and receives a satisfactory performance rating for the job duties and responsibilities of the position, the trainee shall be promoted to the applicable regular class as a probationary employee. In no event shall the trainee be retained in a position under the governor's trainee program for less than six months or more than 24 months from the date of appointment.

(i) Each individual hired as a governor's trainee shall be eligible for the same rights and benefits as a person in a regular classified position who is on probationary status. If the governor's trainee was promoted or transferred from a classified position in which the employee held permanent

status, rights normally associated with the promotion or transfer under K.S.A. 1995 Supp. 75-2944, as amended, and K.A.R. 1-6-24 shall apply. If the governor's trainee was demoted from a classified position in which the employee held permanent status, the trainee shall not be granted permanent status in the trainee position but shall be accorded the right to a position in the class in which the employee held permanent status. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective March 20, 1989; amended Aug. 3, 1992; amended Dec. 17, 1995; amended May 31, 1996.)

1-6-32. Candidate drug screening test for safety-sensitive positions. (a) A drug test shall be administered to each candidate for a safety-sensitive position upon a conditional offer of employment for such a position.

(1) "Safety-sensitive position" shall be defined as provided in K.S.A. 75-4362(g), and amendments thereto.

(2) "Conditional offer of employment," for purposes of this regulation, means an offer that is contingent upon participating in the drug screening program established under K.S.A. 75-4362, and amendments thereto.

(b) If a candidate fails to participate in the required drug screening test or receives a confirmed positive result based upon a test sample obtained from the candidate, the following requirements shall apply:

(1) The conditional offer of employment shall be null and void.

(2) The candidate shall be disqualified from certification for safety-sensitive positions in accordance with K.S.A. 75-2940, and amendments thereto, and K.A.R. 1-6-7 for a period of one year from the effective date of the disqualification action.

(c) Each candidate who has been given a conditional offer of employment shall be informed of the provisions of subsection (b) in writing and shall sign a statement agreeing to participate in the test before the test is administered. Failure to accept this condition shall make the conditional offer of employment null and void.

(d) Each candidate required to submit to a drug screen shall be advised of all of the following aspects of the drug screening program:

(1) The methods of drug screening that may be used;

(2) the substances that may be identified;

(3) the consequences of a refusal to submit to a drug screening test or of a confirmed positive result; and

(4) the reasonable efforts to maintain the confidentiality of results and any medical information that are to be provided in accordance with subsection (j).

(e) Drug screening tests may screen for any substances listed in the Kansas controlled substances act.

(f) Any candidate who has reason to believe that technical standards were not followed in deriving a confirmed positive result may appeal the result in writing to the director within 14 calendar days of receiving written notice of the result.

(g) A retest by the original or a different laboratory on the same or a new specimen may be authorized only by the director, if the director determines that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed positive result or if there is other appropriate cause to warrant a retest.

(h) If a candidate intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures, or falsifies test results, the conditional offer of employment shall be withdrawn. Any of these actions by a candidate shall be grounds for disqualification for all positions in state service in accordance with K.S.A. 75-2940, and amendments thereto.

(i) If the result of a drug screening test warrants disqualification action, a candidate shall be afforded due process in accordance with K.S.A. 75-2940, and amendments thereto, and K.A.R. 1-6-7 before any final action is taken.

(j)(1) Individual test results and medical information shall be considered confidential and shall not be disclosed publicly in accordance with K.S.A. 75-4362, and amendments thereto. Each candidate shall be granted access to the candidate's information upon written request to the director.

(2) Drug screening test results shall not be required to be kept confidential in civil service board hearings regarding disciplinary action based on or relating to the results or consequences of a drug screen test.

(3) Each appointing authority shall be responsible for maintaining strict security and confidentiality of drug screening records in that agency. Access to these records shall be restricted to the agency's personnel officer or a designee, persons

in the supervisory chain of command, the agency's legal counsel, the agency's appointing authority, the secretary of administration or a designee, the department of administration's legal counsel, and the director or a designee. Further access to these records shall not be authorized without the express consent of the director.

(k) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747 and 75-4362; implementing K.S.A. 75-2940 and K.S.A. 2004 Supp. 75-4362; effective, T-1-10-28-88, Oct. 28, 1988; effective Dec. 19, 1988; amended Feb. 19, 1990; amended April 13, 1992; amended Dec. 17, 1995; amended October 1, 1999; amended June 5, 2005.)

1-6-33. Candidate alcohol and controlled substances test for commercial driver positions. (a) The provisions of 49 C.F.R., Part 382, as in effect on May 1, 1995, and 49 C.F.R., Part 40, as in effect on February 15, 1994, and amendments to Part 40, as published in 59 Fed. Reg. 42,996 (1994), are hereby adopted by reference.

(b) Each candidate who has been given a conditional offer of employment for a commercial driver position shall be administered a controlled substances test.

(c) For purposes of this regulation, a "conditional offer of employment" means an offer of a commercial driver position that is contingent upon participating in the controlled substances testing program established under the federal omnibus transportation employee testing act of 1991, 49 U.S.C. Appx. § 2717.

(d) Each candidate who has been given a conditional offer of employment shall be informed of the provisions of subsections (c) and (g) of this regulation in writing and shall sign a statement agreeing to participate in the testing prior to administration of the tests. Failure to accept this condition shall make the conditional offer of employment null and void.

(e) The appointing authority shall advise each candidate required to submit to controlled substances testing of the following aspects of the testing program:

(1) the methods of controlled substances testing that may be used;

(2) the substances that may be identified;

(3) the consequences of a refusal to submit to a controlled substances test or of a confirmed positive result; and

(4) the reasonable efforts utilized by the state to maintain the confidentiality of results and any medical information that may be provided.

(f) Procedures and testing personnel used in collecting, analyzing, and evaluating test samples shall meet the standards established by the director in accordance with 49 C.F.R., Part 40.

(g) In the following instances, the conditional offer of employment shall be null and void, and the candidate shall be subject to disqualification from commercial driver positions in accordance with K.S.A. 75-2940 and K.A.R. 1-6-7 for a period of one year from the effective date of the disqualification action:

(1) the candidate fails to participate in the required controlled substances test;

(2) the candidate receives a confirmed positive controlled substances test result;

(3) the candidate refuses to provide written authorization to obtain information from prior employers as required by 49 C.F.R., 382.413; or

(4) the information obtained from a prior employer under 49 C.F.R., 382.413 indicates that, within the preceding two years, the following has occurred:

(A) the candidate violated any of the provisions of 49 C.F.R., Part 382, Subpart B; and

(B) the candidate failed to complete the requirements for returning to work under 49 C.F.R., 382.605, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test or both, and completion of any rehabilitation or treatment program.

(h) In accordance with 49 C.F.R., 40.25(f)(10)(ii)(E), any candidate who receives a confirmed positive result on a controlled substances test may request a retest by the original or a different laboratory on the second half of the original specimen within 72 hours of being notified of the positive test result.

(i) Any candidate who intentionally tampers with a sample provided for controlled substances testing, violates chain-of-custody or identification procedures, or falsifies a test result shall have the conditional offer of employment withdrawn and shall be subject to disqualification for all positions in state service in accordance with K.S.A. 75-2940.

(j) If disqualification of a candidate is warranted under subsection (g) of this regulation, the appointing authority shall afford the candidate due process in accordance with K.S.A. 75-2940 and K.A.R. 1-6-7.

(k)(1) Individual results and medical information shall be considered confidential and shall not be disclosed publicly. Each candidate shall be granted access to the candidate's information upon written request to the director, in accordance with 49 C.F.R., 382.405.

(2)(A) Each agency shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substance testing records in that agency. Access to these records shall be restricted to the following individuals:

(i) the agency personnel officer, the agency appointing authority, the secretary of administration, the director, or any of their respective designees;

(ii) persons in the supervisory chain of command;

(iii) the agency legal counsel; or

(iv) the department of administration legal counsel.

(B) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 75-3746, K.S.A. 1996 Supp. 75-2940, and K.S.A. 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995; amended Dec. 17, 1995; amended June 20, 1997.)

Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

1-7-1. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 1981 Supp. 75-2946; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; revoked May 1, 1983.)

1-7-2. (Authorized by and implementing K.S.A. 1980 Supp. 75-2943; effective May 1, 1979; amended May 1, 1981; revoked May 1, 1983.)

1-7-3. Probationary period required. (a) The probationary period shall be considered as a working test of the employee's ability to perform adequately in the position to which the employee was hired. In order to aid the agency in developing efficient employees, the supervisor shall give reasonable instruction and training that may be required throughout the probationary period. Each appointing authority shall establish procedures so that any problems with probationary employees will be brought to the attention of the agency management for appropriate action before the end of the probationary period.

(b) Before the end of the probationary period,

the appointing authority shall provide the director with results of a performance review for the employee. If the performance review given to a probationary employee before the end of the probationary period is less than satisfactory, the employee shall not be granted permanent status.

(c) Except as provided in K.A.R. 1-7-4, all new hires, promotions, and rehires shall be tentative and subject to a probationary period as authorized by K.A.R. 1-7-4. If the probationary period of an employee is to be extended as authorized by K.A.R. 1-7-4, the appointing authority, before the end of the probationary period, shall furnish the employee with a copy of the performance review stating that the probationary period is extended. Results of the performance review shall be provided to the director.

(d) Any probationary employee, other than an employee on probation due to a promotion from a position in which the employee had permanent status, may be dismissed by the appointing authority at any time during the probation period.

(e) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended June 5, 2005.)

1-7-4. Duration of probationary period.

(a) Each new hire and each rehire made on a basis other than reemployment or reinstatement who is employed in a regular position shall be subject to a standard probationary period of six months. This probationary period may be extended by the appointing authority for up to six additional months if action to extend the probationary period is taken prior to the end of the original six-month probationary period. A probationary period of up to 12 months may be established by the appointing authority when specific training or certification requirements for a position cannot be completed within six months.

(b) Each employee who is promoted shall be subject to a probationary period of not less than three months nor more than six months as determined by the appointing authority. However, a probationary period of up to 12 months may be established by the appointing authority when specific training or certification requirements for a position cannot be completed within six months.

(c) Each person rehired on the basis of reemployment shall have permanent status effective on the date of rehire.

(d) Each person rehired on the basis of reinstatement shall be subject to a probationary period of not less than three months or more than six months as determined by the appointing authority.

(e) Time on leave with or without pay of more than 30 days shall not count towards total time served on probation. The employee's probationary period shall be continued effective with the employee's return from leave until the total probation time served equals the time required for the position.

(f) An employee with permanent status who is transferred from one agency to another, or transferred within the same agency, shall continue to have permanent status.

(g) When a probationary employee is transferred from one position in a class to another position in the same class or another class in the same pay grade, the transfer shall have no effect on the employee's probationary period. The probationary period may be extended by the appointing authority for up to six additional months by giving written notice of the extension to the employee and director prior to the expiration of the original six-month probationary period.

(h) Each employee who is transferred, demoted or promoted from a temporary position in the classified service or any position in the unclassified service to a regular position shall serve a standard probationary period of six months.

(i) Persons serving in temporary positions shall not be subject to a probationary period.

(j) Each employee in a governor's trainee position or a position in a training classification shall be placed on probation for six months when promoted to the regular class at the end of the training period. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2946; effective May 1, 1983; amended May 1, 1985; amended Dec. 27, 1993; amended Dec. 17, 1995.)

1-7-5. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133;

effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; revoked Dec. 17, 1995.)

1-7-6. Notices relating to probationary periods and extensions. (a) Prior to the expiration of each employee's probationary period, a performance review shall be completed, and the appointing authority shall notify the employee and the director that:

- (1) the employee has been dismissed or demoted;
- (2) the probationary period is being extended, if extension is permissible under K.A.R. 1-7-4; or
- (3) the employee is being given permanent status.

(b) If the appointing authority or the authority's representative has not notified the employee of the performance review rating by the end of any probationary period, the employee shall be deemed to have received permanent status. In case of dispute as to whether the employee was notified, a determination shall be made by the director. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2946 and K.S.A. 1994 Supp. 75-2943, as amended by SB 175, § 8; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995.)

1-7-7. Removal of probationary employee by director. The director may remove an employee during the employee's probationary period, after giving the employee notice and an opportunity to be heard, if the director finds that the employee was appointed as a result of violation of the provisions of the act or these regulations. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2946; effective May 1, 1983.)

1-7-8 and 1-7-9. Reserved.

1-7-10. Performance reviews. (a) Each agency's appointing authority shall establish and implement a performance review system and shall ensure that performance reviews are conducted for each employee in the classified service. The performance review shall be used to assess the effectiveness of each employee.

(1) The performance review of each employee shall be completed by the employee's immediate supervisor or by another qualified person designated by the appointing authority. "Qualified per-

son" means a person who is familiar with the duties and responsibilities of the employee's position and with the job performance of the employee.

(2) A performance review shall be completed and a rating assigned at least annually in the manner required by the director.

(3) The appointing authority may conduct a special performance review rating for any employee at any time, unless prohibited under K.A.R. 1-14-8 due to pending layoffs.

(4) Each employee shall be given the opportunity to sign the employee's performance review as evidence that the employee has been informed of the performance review rating. The employee's signature shall not abridge the employee's right of appeal if the employee disagrees with the rating. The failure of the employee to sign the performance review shall not invalidate the rating.

(b) (1) Any employee entitled to appeal a rating under K.A.R. 1-7-11 may do so within seven calendar days after being informed of the rating. After the period of seven calendar days for filing appeals has expired and if no appeal has been filed, the appointing authority or the authority's designee shall review the rating, shall make any changes deemed necessary, shall sign the performance review, shall place the entire original performance review in the employee's official personnel file, and shall provide a copy of the review to the employee. In addition, the appointing authority may provide copies to each reviewer if the appointing authority deems necessary.

(2) If the appointing authority makes any change in the rating or adds any comment on the performance review, the review shall be returned to the employee to be signed again, and the employee, if eligible to appeal the rating, shall again have seven calendar days to file an appeal to the appointing authority. The final results of the performance review shall be reported to the director.

(c) Subject to the provisions of K.S.A. 75-2949e, and amendments thereto, two performance review ratings of less than satisfactory that are conducted within 180 days may be utilized as a basis for demotion, suspension, or dismissal of the employee.

(d) If the performance review rating assigned to an employee with probationary status at the end of the probationary period is less than satisfactory, the employee shall not be granted permanent status.

(e) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2943

and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2949e, and 75-3746; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995; amended June 5, 2005.)

1-7-11. Employees entitled to appeal performance reviews. (a) Any employee who receives a rating that is lower than the highest possible rating may appeal that rating if the employee meets either of the following conditions:

(1) The employee has permanent status, including an employee with permanent status who is serving a probationary period.

(2) The employee is on probation due to a re-hire on the basis of reinstatement.

(b)(1) When an action concerning the end of probationary status is dependent upon the performance review, the appeal committee may make a recommendation to the appointing authority concerning whether or not to grant permanent status to the employee. However, the appointing authority shall have the right to make the determination of whether or not to grant permanent status, subject to whatever limitations are imposed by the adjective rating of the performance review prepared by the appeal committee.

(2) Notwithstanding the limits on the duration of probationary periods established elsewhere in these regulations, the appointing authority may extend the probationary period for a limited period of time as necessary to allow the appeal committee to prepare the final performance review.

(3) The appointing authority shall report to the director each extension of a probationary period made pursuant to this regulation.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2943, 75-3706, and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended Oct. 24, 1997; amended June 5, 2005.)

1-7-12. Performance review appeal procedure. (a)(1) Each employee who is eligible to appeal a performance review under K.A.R. 1-7-11 may, within seven calendar days after the employee has been informed of the rating, submit an appeal in writing to the appointing authority.

(2) Within seven calendar days following receipt

of the employee's written notice of appeal, the appointing authority shall have the option either to make any changes in the rating deemed appropriate or to appoint a committee of three or more persons to hear the appeal.

(3) If the appointing authority makes any change in the rating or adds any comments to the rating form, the rating form shall be returned to the employee to be signed again. The employee shall be informed that, if the employee disagrees with the revised performance review, the employee may, within seven calendar days, file an appeal in writing to the appointing authority. If the employee files an appeal of the revised review, the appointing authority shall, within seven calendar days following receipt of the employee's written notice of appeal, appoint a committee of three or more persons to hear the appeal.

(4) If an appeal committee is appointed to hear the appeal, persons shall be appointed who, in the appointing authority's judgment, will be fair and impartial in discharging their responsibilities. Before appointing the appeal committee, the appointing authority shall give the employee a reasonable opportunity for consultation on the matter of appointment of the appeal committee. The appeal committee shall not include the initial rater or raters. The members of the appeal committee shall be officers or employees of the agency. However, the appointing authority may select one or more members of the committee from one or more other state agencies if the appointing authority determines that the objective of a fair and impartial hearing can best be served by doing so.

(b)(1) As soon as the committee has been appointed, the appointing authority shall notify the employee of the names of the members of the committee.

(2) The appeal committee shall consider any relevant evidence that may be offered by the employee and the rater and shall make available to the employee any evidence that the committee may secure on its own initiative. The employee and rater shall have an opportunity to question any person offering evidence to the appeal committee. The appeal committee may limit the offering of evidence that it deems to be repetitious or irrelevant.

(3) Within 14 calendar days of the date the members of the committee were appointed, the committee shall prepare and sign a rating for the employee. That rating shall be final and not subject to further appeal. The appeal committee shall give the rating to the appointing authority, who,

within five calendar days, shall provide copies to the employee and each person who originally rated the employee. The appeal committee shall report the rating to the director.

(4) If the appointing authority cannot appoint an appeal committee within the prescribed seven calendar days or if the appeal committee cannot make its rating within 14 calendar days of the date of its appointment, the appointing authority may extend these time limits for a reasonable period of time.

(c) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-2943, 75-3706, and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2943, 75-3707, and 75-3746; effective May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended June 5, 2005.)

1-7-13. This regulation shall be revoked on and after December 17, 1995. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, 75-2944, and 75-2949e, as amended by 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; revoked Dec. 17, 1995.)

Article 8.—TRAINING AND CAREER DEVELOPMENT

1-8-1. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-8-2. Orientation. (a) Each appointing authority shall be responsible for establishing and maintaining a program of orientation for new employees.

(b) Each orientation shall be relevant to each of the following:

- (1) That agency's mission, vision, and goals;
- (2) the employee's job responsibilities;
- (3) employee benefits; and

(4) other aspects of the workplace pertinent to successful performance in the position.

(c) Any agency may supplement the orientation information required above with specific agency materials.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2925 and 75-3746; effective May 1, 1979; amended, T-1-9-

19-94, Sept. 19, 1994; amended, Nov. 21, 1994; amended June 5, 2005.)

1-8-3. Training standards. Each appointing authority shall periodically assess, identify, and provide that agency's employees with access to appropriate education and training to meet workforce development needs. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2925 and 75-3746; effective May 1, 1979; amended June 5, 2005.)

1-8-4. Agency training records. Each appointing authority shall maintain training records and provide these records to the director upon request. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2925, 75-2950, and 75-3746; effective May 1, 1979; amended June 5, 2005.)

1-8-5. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 1995 Supp. 75-3747 and K.S.A. 1995 Supp. 75-37,115; implementing K.S.A. 1995 Supp. 75-37,115; effective May 1, 1979; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended May 31, 1996; revoked June 5, 2005.)

1-8-6. Leadership training programs. Each appointing authority shall develop and maintain a leadership program to provide supervisory training of an appropriate scope for each employee appointed to a supervisory position and for each employee currently working in a supervisory position in the agency. Each appointing authority shall provide access to training and opportunities for continuing education and development for each employee in a supervisory position. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747 and 75-37,115; implementing K.S.A. 75-3746 and K.S.A. 2004 Supp. 75-37,115; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended Dec. 17, 1995; amended Oct. 1, 1999; amended June 5, 2005.)

1-8-7. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1983; amended Aug. 3, 1992; revoked May 31, 1996.)

**Article 9.—HOURS; LEAVES;
EMPLOYEE-MANAGEMENT RELATIONS**

1-9-1. Hours of work. (a) The standard workweek for each full-time employee shall be 40 hours during a given seven-day workweek.

(b)(1) Any agency head may submit a request for a deviation from the standard workweek in subsection (a) for particular classes of employees in writing to the director. Any such deviation shall be subject to approval by the secretary upon recommendation of the director.

(2) Appointing authorities shall not be required to designate a deviation from the standard workweek established in paragraph (1) of this subsection for exempt positions.

(c) It shall be a condition of employment with the state that each employee is required to work the number of hours per day and the number of days per workweek or work period specified for the employee's position, except when on authorized leave.

(d) Each exempt employee shall be paid on a salary basis in which the salary of the exempt employee is established to cover the hours required to complete the job. Each exempt employee shall be considered to be in pay status except for the following periods of time:

- (1) Full days of leave without pay;
- (2) full workweeks of leave without pay due to a suspension; or
- (3) one or more full days of leave without pay due to a suspension imposed in good faith for violation of workplace conduct rules or for an infraction of a safety rule of major significance.

Exempt employees may be required to use available vacation or sick leave or other paid leave, as appropriate, and shall be required to obtain authorization for absences in the form and at the time prescribed by the employee's appointing authority. Leave for employees in exempt positions shall be administered in accordance with the provisions of K.A.R. 1-9-20.

(e) The appointing authority may require each employee to work those hours that are necessary for the efficient conduct of the business of the state.

(f) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3746, 75-5505, and 75-5515; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended June 5, 2005.)

1-9-2. Holidays. (a) The following days shall be legal holidays for the state service: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When one of these legal holidays falls on a Saturday, the preceding Friday shall be the officially observed holiday for state employees. When one of these legal holidays falls on a Sunday, the following Monday shall be the officially observed holiday for state employees.

(b)(1) The governor may designate, in a particular year, additional days on which state offices are to be closed in observance of a holiday or a holiday season. For the purpose of this regulation, such a day shall be deemed a legal holiday.

(2) Each full-time employee who works a non-standard workweek shall receive the same number of holidays in a calendar year as employees whose regular work schedule is Monday through Friday.

(3) The governor may designate a discretionary holiday for observance of a holiday or other special day without closing state services. Each eligible employee shall receive the number of hours equal to the number of hours that employee is regularly scheduled to work, for a discretionary holiday. All hours for a discretionary holiday shall be taken on the same day.

(c)(1) For each holiday, each full-time employee shall receive holiday credit equal to the number of hours regularly scheduled to work, subject to the provisions of paragraph (b)(2). "Holiday credit" means pay or credit for paid time off at a straight-time rate.

(2) Each full-time employee who is required to work on a legal holiday or on an officially observed holiday shall be awarded holiday credit in addition to any holiday compensation available under subsection (d). The appointing authority shall determine whether the holiday credit will be in the form of pay or paid time off to be used at a later time.

(d) Any appointing authority may require some or all employees to work on a legal holiday, an officially observed holiday, or both.

(1) Each full-time, nonexempt employee who is required to work on a legal holiday or on an officially observed holiday shall receive holiday compensation in addition to the employee's regular pay for the pay period. "Holiday compensation" means either pay or holiday compensatory time at a time-and-a-half rate for those hours worked on a holiday. The appointing authority shall deter-

mine whether the compensation for this holiday work will be in the form of pay or holiday compensatory time.

(2) The appointing authority shall make the following determinations for each exempt employee required to work on a holiday:

(A) Under what conditions the employee will be required to work;

(B) whether or not the employee will receive holiday pay or holiday compensatory time in addition to the employee's regular salary; and

(C) the rate at which any holiday pay or holiday compensatory time will be paid.

(3) Exempt employees shall take holiday compensatory time only in either half-day or full-day increments.

(e) Hours worked on a holiday by a nonexempt employee that result in overtime hours during that workweek or work period shall be compensated pursuant to K.A.R. 1-5-24 for those holiday hours worked on the holiday and at an additional half-time rate for the resulting overtime hours.

(f) If a legal holiday is preceded or followed by an officially observed holiday, each employee shall receive holiday credit for only one of the two days. Each full-time employee who is required to work on both the legal holiday and the officially observed holiday shall receive holiday compensation for only one of the two days. If the number of hours worked on the two days is not the same, the employee shall receive holiday compensation for the day on which the employee worked the greater number of hours.

(g) Each nonexempt employee who works less than full-time on a regular schedule shall receive, for each holiday that falls on a day included in the employee's regular work schedule, holiday credit equal to the time the employee is regularly scheduled to work on that day. If the employee works on the holiday, the employee shall receive, in addition, holiday compensation for the hours worked on the holiday.

(h) Each nonexempt employee who works less than full-time on an irregular schedule, as determined by the appointing authority, shall not receive holiday credit but shall be paid at the time-and-a-half rate for those hours worked on the holiday.

(i) An employee who is on leave without pay for any amount of time either on the last working day before a holiday or the first working day following a holiday shall not receive holiday credit, unless approved by the appointing authority.

(j) Any employee whose last day at work before separating from state service is the day before a regularly scheduled holiday shall not receive holiday credit for the holiday.

(k) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended May 1, 1985; amended Dec. 17, 1995; amended June 20, 1997; amended Oct. 1, 1999; amended June 5, 2005.)

1-9-3. Request and approval of leave; authorized leave; unauthorized leave.

(a) Requests for leave shall be made to the appointing authority in such form and at such time as prescribed by the appointing authority. Leave that is requested as above, and approved, shall be termed authorized leave. Leave that is not requested as above, or not approved, shall be termed unauthorized leave, unless the employee furnishes the appointing authority evidence satisfactory to the appointing authority that circumstances made it impossible to request leave in the form and at such time as prescribed by the appointing authority.

(b) Use of unauthorized leave shall be entered into the employee's official personnel file in the agency. Habitual or flagrant use of unauthorized leave shall be grounds for disciplinary action, including dismissal.

(c) When an employee takes unauthorized leave, the appointing authority shall determine whether use of accumulated leave or accumulated compensatory time shall be allowed, whether leave without pay shall be granted, or in a case of habitual or flagrant use of unauthorized leave, whether a pay decrease, suspension, demotion, dismissal, or other disciplinary action shall be proposed or taken. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended Dec. 17, 1995.)

1-9-4. Vacation leave. (a)(1) Each classified employee in a regular position shall be entitled to vacation with pay, which shall be earned and accumulated in accordance with this regulation. Vacation leave earned each payroll period, the maximum amount of vacation leave that may be accumulated, and the increments in which vacation leave may be used shall be determined as follows.

(A) Each nonexempt employee shall accrue vacation leave in accordance with the following table.

**Vacation Leave Table for
Nonexempt Employees
Hours Earned Per Pay Period
Based on Length of Service**

Hours in Pay Status Per Pay Period	Less Than 5 Years	5 Years & Less Than 10 Years	10 Years & Less than 15 Years	15 Years & Over
0-7	0.0	0.0	0.0	0.0
8-15	0.4	0.5	0.6	0.7
16-23	0.8	1.0	1.2	1.4
24-31	1.2	1.5	1.8	2.1
32-39	1.6	2.0	2.4	2.8
40-47	2.0	2.5	3.0	3.5
48-55	2.4	3.0	3.6	4.2
56-63	2.8	3.5	4.2	4.9
64-71	3.2	4.0	4.8	5.6
72-79	3.6	4.5	5.4	6.3
80-	3.7	4.7	5.6	6.5
Maximum Accumulation of Hours	144.0	176.0	208.0	240.0

(i) Nonexempt employees shall use vacation leave only in increments of a quarter of an hour.

(ii) For purposes of this regulation, hours in pay status shall include time off while receiving workers compensation wage replacement for loss of work time.

(B) Each exempt employee in a position that is eligible for benefits shall accrue vacation leave in accordance with the following table.

**Vacation Leave Table for
Exempt Employees
Hours Earned Per Pay Period
Based on Length of Service**

Time in Pay Status Per Pay Period	Less Than 5 Years	5 Years & Less Than 10 Years	10 Years & Less than 15 Years	15 Years & Over
0	0.0	0.0	0.0	0.0
> 0	3.7	4.7	5.6	6.5
Maximum Accumulation of Hours	144.0	176.0	208.0	240.0

(i) Exempt employees, including part-time, exempt employees, shall use vacation leave only in either half-day or full-day increments.

(ii) For purposes of this regulation, hours in pay status shall include time off while receiving workers compensation wage replacement for loss of work time.

(C) Each exempt employee in a position that is not eligible for benefits shall earn one-half the amount of leave set out in paragraph (a)(1)(B), based on the employee's length of service.

(2) At the end of the last payroll period paid in each fiscal year, up to 40 hours of any accrued vacation leave that exceeds an employee's maximum accumulation of hours established in paragraphs (a)(1)(A) and (B) shall be converted to sick leave. After this conversion, all remaining vacation leave over the maximum accumulation of hours shall be forfeited at the end of the last payroll period paid in that fiscal year.

(3) If an employee terminates from the service, and if at the time of termination, the employee has more than the maximum accumulation of vacation leave permitted in paragraphs (a)(1)(A) and (B), the employee shall not be paid for any vacation leave in excess of the maximum accumulation to which that employee is entitled.

(b) Increased rates of vacation leave earnings based on length of service shall be calculated in accordance with K.A.R. 1-2-46.

(c) The appointing authority shall not be arbitrary in approving or rejecting vacation leave requests. The appointing authority shall not unreasonably defer the taking of vacations so that for all practical purposes the employee is deprived of vacation rights.

(d) Vacation leave earned by an employee during a pay period shall be available for use on the first day of the following pay period. Subject to the restrictions established in paragraph (a)(3), if the employee resigns or is otherwise separated from the service, any vacation leave earned in the pay period in which the separation occurs shall be credited to the employee, and payment for that leave shall be made to the employee as provided in K.A.R. 1-9-13.

(e) If a holiday on which state offices are closed occurs during an employee's vacation, the holiday hours shall not be charged against the employee's vacation leave.

(f) If an employee, or a member of the employee's family as defined in K.A.R. 1-9-5(e)(2), becomes ill while the employee is taking vacation leave and, for all intents and purposes, the employee is deprived of all or a significant portion of the vacation due to the illness, the appointing authority, upon request of the employee, may charge to sick leave some or all of the time the employee or family member was ill during the vacation. For purposes of this subsection, "illness" shall include any of the reasons for sick leave identified in K.A.R. 1-9-5(e)(1).

(g) Vacation leave for school employees. Any classified employee in a school institution having

scheduled vacation periods at stated times when school is not in session, including Thanksgiving and Christmas, who does not work during the scheduled vacation periods because the employee's services are not required may be granted leave without pay or vacation leave for those periods. Vacation leave taken for this purpose may be charged against accrued vacation leave or against vacation leave that will be accrued during the school term for which the employee is employed. Any classified employee at a school institution that is separated from the service before the end of the school term for which the employee is employed shall be charged on the final pay voucher for any vacation leave used in excess of accrued vacation leave. (Authorized by K.S.A. 2003 Supp. 75-3747; implementing K.S.A. 75- 3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Jan. 6, 1992; amended Aug. 3, 1992; amended Dec. 17, 1995; amended June 7, 2002; amended June 4, 2004.)

1-9-5. Sick leave. (a) Each classified employee in a regular position shall be credited and accumulate sick leave as provided in this regulation.

(b) The maximum sick leave credit an employee may accrue in any payroll period shall be 3.7 hours. The amount of sick leave hours earned each payroll period and the increments in which sick leave may be used shall be determined as follows.

(1) Each non-exempt employee shall accrue sick leave in accordance with the following table.

**Sick Leave Table for
Non-Exempt Employees**

Hours in Pay Status Per Pay Period	Hours Earned Per Pay Period
0-7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6
80-	3.7

(A) Non-exempt employees shall use sick leave only in increments of a quarter of an hour.

(B) For purposes of this regulation, hours in

pay status shall include time off while receiving workers compensation wage replacement for loss of work time.

(2) Each exempt employee in a position that is eligible for benefits shall accrue sick leave in accordance with the following table.

**Sick Leave Table for
Exempt Employees**

Time in Pay Status Per Pay Period	Hours Earned Per Pay Period
0	0.0
>0	3.7

(A) Exempt employees, including part-time exempt employees, shall use sick leave only in half-day or full-day increments.

(B) For purposes of this regulation, hours in pay status shall include time off while receiving workers compensation wage replacement for loss of work time.

(3) Each exempt employee in a position that is not eligible for benefits shall earn one-half the amount of leave set out in paragraph (b) (2).

(c) Sick leave earned by an employee during a pay period shall be available for use on the first day of the following pay period.

(d) Any employee may be required by the appointing authority or the director of personnel services to provide evidence necessary to establish that the employee is entitled to use sick leave under the circumstances of the request. If the employee fails to provide this evidence, the requested use of sick leave may be denied by the appointing authority or director. The appointing authority, with the director's approval, may require an examination of an employee by a licensed health care or mental health care professional ultimately responsible for patients' health care, as designated by the agency and at the agency's expense. An appointing authority with delegated authority under K.S.A. 75-2938, and amendments thereto, shall not be required to obtain the director's approval before requiring an examination of an employee.

(e)(1) Sick leave with pay shall be granted only for the following reasons:

(A) Illness or disability of the employee, including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom, and personal appointments with a physician, dentist, or other recognized health practitioner;

(B) illness or disability, including pregnancy, childbirth, miscarriage, abortion, and recovery

therefrom, of a family member, and a family member's personal appointments with a physician, dentist, or other recognized health practitioner, when the illness, disability, or appointment reasonably requires the employee to be absent from work;

(C) legal quarantine of the employee; or

(D) the adoption of a child by an employee or initial placement of a foster child in the home of an employee, when the adoption or initial placement reasonably requires the employee to be absent from work.

(2) For purposes of this regulation, "family member" means the following:

(A) Any person related to the employee by blood, marriage, or adoption; and

(B) any minor residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code.

(f) If an appointing authority has evidence that an employee cannot perform the employee's duties because of illness or disability, if the employee has accumulated sick leave, and if the employee refuses or fails to apply for sick leave, the appointing authority may require the employee to use sick leave. Upon exhaustion of this employee's sick leave, the appointing authority may require the employee to use any accumulated vacation leave. An appointing authority may request a written release by a licensed health care or mental health care professional ultimately responsible for patients' health care before the employee is allowed to return to work. If the employee has exhausted all sick leave or accumulated vacation leave, the appointing authority may grant the employee leave without pay as provided in K.A.R. 1-9-6(c).

(g) Each employee who is injured on the job and awarded workers compensation shall be granted use of accumulated leave upon the employee's request. The compensation for accumulated leave used each payroll period shall be that amount which, together with workers compensation, equals the regular pay for the employee. Unless the employee requests otherwise, vacation leave and compensatory time credits shall be used only after sick leave credits have been exhausted. The appointing authority shall not require the use of accumulated compensatory time credits in conjunction with workers compensation.

(h) Each former employee who had unused sick leave at the time of separation and who returns to state service in a regular position within

a year shall have the unused sick leave returned to the employee's credit. This provision shall not apply to a person who has retired from state service.

(i) Payments for sick leave accumulated by the date of retirement, in accordance with K.S.A. 75-5517, and amendments thereto, shall be calculated using the hourly or salary rates set forth in K.A.R. 1-5-21. (Authorized by K.S.A. 2001 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Sept. 26, 1988; amended July 16, 1990; amended Jan. 6, 1992; amended Aug. 3, 1992; amended July 26, 1993; amended Dec. 17, 1995; amended June 7, 2002.)

1-9-6. Leave without pay. (a) The appointing authority shall determine whether approval of each request for leave without pay is for the good of the service, and shall approve or disapprove the request. The appointing authority may require use of accumulated vacation leave and accumulated sick leave before approval of leave without pay.

(b) Any new hire in a regular position without permanent status may be granted leave without pay for a period not to exceed 60 calendar days:

(1) for illness or disability, including pregnancy, childbirth, miscarriage, abortion and recovery therefrom;

(2) for the adoption of a child by the employee;

(3) for the initial placement of a foster child in the home of the employee;

(4) in order to care for a family member who has a serious health condition; or

(5) for other good and sufficient reason, when the appointing authority deems leave to be in the best interest of the service.

When an appointing authority determines that granting a longer leave of absence without pay than prescribed in this subsection is in the best interest of the service, the appointing authority may approve a longer leave, or an extension of a leave. The total duration of the leave shall not exceed six months. Any leave granted under this subsection that exceeds 30 calendar days shall be reported to the director of personnel services.

(c) Any employee currently without permanent status as a result of a promotion or reinstatement may be granted leave without pay under the same conditions as an employee with permanent status, if the employee had permanent status in the class

in which the employee was employed immediately prior to the promotion or reinstatement.

(d) Any employee with permanent status may be granted leave without pay for a reasonable period of time consistent with the effective fulfillment of the agency's duties, but not to exceed one year:

(1) for illness or disability, including pregnancy, childbirth, miscarriage, abortion and recovery therefrom;

(2) for the adoption of a child by the employee;

(3) for the initial placement of a foster child in the home of the employee;

(4) in order to care for a family member who has a serious health condition; or

(5) for other good and sufficient reason, when the appointing authority deems such leave to be in the best interest of the service. Any leave that exceeds 30 calendar days shall be reported to the director of personnel services.

(e) Any employee with permanent status may be granted leave of absence without pay from the employee's classified position to enable the employee to take a position in the unclassified service, if the granting of this leave is considered by the appointing authority to be in the best interest of the service. Leave for this purpose shall not exceed one year, but the appointing authority may grant one or more extensions of up to one year, and the appointing authority may determine the number of extensions.

(f) Desire of an employee to accept employment not in the state service shall be considered by the appointing authority as insufficient reason for approval of a leave of absence without pay, except under unusual circumstances.

(g) If the interests of the service make it necessary, the appointing authority may terminate a leave of absence without pay by giving written notice to the employee at least two weeks prior to the termination date. With the approval of the appointing authority, an employee may return from leave on an earlier date than originally scheduled.

(h) When an employee returns at the expiration of an approved leave without pay or upon notice by the appointing authority that a leave without pay has been terminated, the employee shall be returned to a position in the same class as the position which the employee held at the time the leave was granted, or in another class in the same pay grade for which the employee meets the qualifications.

(i) Failure to return to work at the expiration

of an authorized leave of absence, or upon notice by the appointing authority that a leave has been terminated, shall be deemed a resignation. Such resignation shall be reported by the appointing authority to the director of personnel services in the manner provided by the director. Before terminating an employee for failure to return from leave, the appointing authority shall make a reasonable effort to contact the employee, and a summary of the steps taken to try to contact the employee shall be submitted to the director of personnel services with the resignation.

(j) As used in this regulation, the term "family member" shall have the meaning set out in K.A.R. 1-9-5(e)(2). This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2947, as amended by 1995 SB 175, § 11; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-88-9, April 21, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988; amended Dec. 27, 1993; amended Dec. 17, 1995.)

1-9-7. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 1, 1985.)

1-9-7a. Military leave; voluntary or involuntary service in the Armed Forces.

(a) Subject to the additional requirements and limitations of Title 38, U.S. Code, Chapter 43, each employee in a regular position, who enlists or is drafted into the armed forces of the United States, including reservists and members of the national guard who are activated to military duty, shall be granted military leave without pay upon the employee's notice to the appointing authority of a military order requiring active duty for other than training purposes. The appointing authority shall require the employee to provide, within a reasonable period of time, documentation to substantiate the military order for active duty.

Any person on military leave, as mentioned above, who applies to the appointing authority for permission to return to the classified service within 90 days after receiving a discharge from the military service under honorable conditions, or from hospitalization, shall:

(1) be restored to that position or to a similar position with like status and pay in the same geographic location, as determined pursuant to K.A.R. 1-5-11;

(2) if qualified to perform the duties of any other position, be offered employment in the

same geographic location in a position comparable in status and pay to the former position; or

(3) appeal to the secretary of administration for appropriate placement.

(b) Military leave shall be counted as part of the employee's length of service as prescribed in K.A.R. 1-2-46. Sick leave, vacation leave, and holidays shall not be earned or accrued during a period of military leave without pay.

(c) Reenlistment or continuation of active duty beyond the time prescribed by Title 38, U.S. Code, Chapter 43, shall be considered a voluntary resignation from military leave status. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 77-3746; effective May 1, 1985; amended, T-1-3-14-91, March 14, 1991; amended July 8, 1991; amended Dec. 17, 1995.)

1-9-7b. Military leave; voluntary or involuntary service with reserve component of the armed forces.

(a) Each employee in a regular position who is a member of a reserve component of the military service of the United States shall be granted a maximum of 15 working days of military leave with pay for active duty within each 12-month period beginning October 1 and ending September 30 of the following year.

(b) Active duty in excess of 15 working days within the 12-month period established in subsection (a) shall be charged to military leave without pay or, at the employee's request, to appropriate accrued leave.

(c) Each employee in a regular position who is a member of a reserve component of the military service of the United States shall be granted military leave without pay or, at the employee's request, appropriate accrued leave for the purpose of performing inactive duty.

(d) Requests for military leave shall be made to the appointing authority with as much notice as possible under the circumstances of the order. Whenever possible, an appropriate military order or duty document shall be received by the appointing authority before military leave is authorized.

(e) Each employee in a regular position shall be granted military leave without pay or, at the employee's request, appropriate accrued leave for the purpose of induction, entrance, or examination for entrance into a reserve component. Notice to the appointing authority shall be provided

as prescribed by the appointing authority. Upon completion of the induction, entrance, or examination, the employee shall return to state employment as prescribed in subsection (g).

(f) Upon release from a period of duty under subsections (a), (b), (c), or (e) or upon discharge from hospitalization for or convalescence from an illness or injury incurred in or aggravated during the duty, each employee shall be permitted to return to one of the following positions:

(1) The position in which the employee would have been employed had the employee not been called to military duty; or

(2) a position with status and pay similar to the status and pay that the employee would have had if the employee had not been absent for those purposes. If the employee is not qualified to perform the duties of the position by reason of disability sustained during the duty but is qualified to perform the duties of any other position, the employee shall be offered employment in a position comparable to the former position, in status and pay.

(g)(1) Except as provided in paragraph (g)(2), when returning from periods of inactive or active duty, the employee shall report for work as follows:

Period of Duty (in consecutive days)	Return to Work Following Release From Duty
1-30	First full, regularly scheduled day after release
31-180	Within 14 days of release
181+	Within 90 days of release

(2) These time periods may be extended to no more than two years from the date of release from duty to accommodate a period of hospitalization or convalescence resulting from a service-connected injury or illness. To the extent practicable, the employee shall inform the appointing authority of any change in the date on which the employee is anticipated to return to work. The appointing authority may request documentation from the employee's commanding officer or the employee's licensed health or mental health care provider of the date on which the employee is released from duty and of the reasons the employee will not be able to return to work following the employee's release from duty.

(h) Military leave shall be counted as part of the employee's length of service as prescribed in K.A.R. 1-2-46. Sick leave, vacation leave, and holiday credit shall not be earned or accrued during

a period of active duty when military leave without pay has been granted.

(i) For purposes of this regulation, any reference to the military reserve of the United States shall be considered to include members of the national guard.

(j) This regulation shall be effective on and after October 1, 2006. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1985; amended Dec. 17, 1995; amended, T-1-10-1-97, Oct. 1, 1997; amended, T-1-11-5-99, Nov. 5, 1999; amended Dec. 27, 2002; amended Oct. 1, 2006.)

1-9-7c. Military leave; state duty with Kansas national guard or state guard when organized. (a) Each employee in a regular position who is a member of the state or Kansas national guard shall be granted military leave with pay for the duration of any official call to state emergency duty.

(b) The appointing authority may grant military leave without pay or, at the employee's request, accrued vacation leave for the duration of any other type of state duty performed pursuant to K.S.A. 48-225.

(c) Each employee shall provide an appropriate state military order to the appointing authority before the processing of any pay reports or time and attendance reports, or both.

(d) In accordance with K.S.A. 1996 Supp. 48-517, each employee in a regular position who is called or ordered to active duty by the state of Kansas national guard shall be returned to a job that is comparable to the job that the employee held at the time the employee was called to duty. (Authorized by K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1985; amended Dec. 17, 1995; amended June 20, 1997.)

1-9-8. Jury duty; other required appearance before a court or other public body. (a)(1) Each employee in a regular position, shall be granted leave with pay by their appointing authority:

(A) for required jury duty; or

(B) in order to comply with a subpoena as a witness before the civil service board, the Kansas commission on civil rights, the United States equal employment opportunity commission, or a court.

(2) An employee shall not be entitled to leave

of absence with pay in circumstances where the employee is called as a witness on the employee's own behalf in an action in which the employee is a party.

(b) Leave with pay may be granted to any employee for an appearance before a court, a legislative committee or other public body, if the appointing authority considers the granting of leave with pay to be in the best interest of the state.

(c) When any employee travels in a state vehicle for a required appearance before a court, or a legislative committee, or other public body, the employee shall turn over to the state any mileage expense payments received.

(d) Each employee granted leave under this section who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance, except as provided in subsection (c) of this regulation. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; effective May 1, 1986; amended, T-87-17, July 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988; amended Dec. 17, 1995.)

1-9-9. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-9-10. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; revoked May 1, 1985.)

1-9-11. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; revoked May 1, 1985.)

1-9-12. Funeral or death leave. An appointing authority may grant leave with pay to an employee in a regular position upon the death of a close relative. Such leave shall in no case exceed six working days. The employee's relationship to the deceased and necessary travel time shall be among the factors considered in determining whether to grant funeral or death leave and if so, the amount of leave to be granted. This regulation

shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1981; amended Dec. 17, 1995.)

1-9-13. Payment for accumulated vacation leave, compensatory time, and holiday compensatory time upon separation. Each employee who separates from state service shall be paid for that employee's accumulated vacation leave, compensatory time, and holiday compensatory time. Pay for an employee's vacation leave, compensatory time, and holiday compensatory time shall be calculated using the appropriate hourly or salary rate set forth in K.A.R. 1-5-21 and, with respect to non-exempt employees, the provisions of K.A.R. 1-5-24(e)(4). Pay for the vacation leave, compensatory time, and holiday compensatory time shall be a lump sum addition to the employee's last paycheck. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, and K.S.A. 75-5514; implementing K.S.A. 75-3707, 75-3746, and 75-5508; effective May 1, 1979; amended May 1, 1984; amended May 1, 1985; amended, T-86-36, Dec. 11, 1985; amended, T-87-11, May 1, 1986; amended May 1, 1987; amended Feb. 1, 1993; amended Dec. 27, 1993; amended Dec. 17, 1995; amended June 20, 1997; amended June 5, 2005.)

1-9-14. Transfer of leave credits. When an employee is appointed to a position in a different state agency, all types of leave for which the employee has a balance at the time of the appointment, except for compensatory time credits and holiday compensatory time credits, shall be transferred with the employee. All accumulated compensatory time and holiday compensatory time shall be paid by the agency from which the employee is leaving at the time the employee leaves that agency. The accumulated compensatory time and holiday compensatory time shall be paid as a lump sum addition to the employee's last paycheck from that agency as provided in K.A.R. 1-9-13. However, upon request, an employee may transfer accumulated compensatory time and holiday compensatory time if approved by both the agency from which the employee is leaving and the agency to which the employee is going. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, and K.S.A. 75-5514; implement-

ing K.S.A. 75-3707, K.S.A. 2004 Supp. 75-3747, and K.S.A. 75-5508; effective May 1, 1979; amended June 5, 2005.)

1-9-15. (Authorized by K.S.A. 75-3747; effective May 1, 1979; amended Dec. 17, 1995; revoked May 31, 1996.)

1-9-16. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-9-17. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked June 20, 1997.)

1-9-18. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746, K.S.A. 75-2925, as amended by 1995 SB 175, § 2, and K.S.A. 75-2938, as amended by 1995 SB 175, § 4; effective May 1, 1979; amended Aug. 3, 1992; amended Dec. 17, 1995; revoked Jan. 12, 2007.)

1-9-19. Relief from duty or change of duties of a permanent employee. (a) Under any of the circumstances identified in K.S.A. 75-2949(i), and amendments thereto, any appointing authority may relieve an employee from duty and place the employee on administrative leave or change the duties of the employee, pursuant to the provisions of subsections (b) and (c).

(b) If the duties of an employee are changed, the appointing authority shall notify the employee in writing of the date the duties are to be changed, the manner in which the duties are to be changed, the reason for the change, and the expected date for resumption of regular duties or other disposition of the matter. The appointing authority shall report any change in duties that lasts more than 30 days to the director.

(c) If an employee is relieved of all duties and placed on administrative leave, the appointing authority shall notify the employee, in writing and within seven calendar days of the date the employee was relieved from duty with pay, of the reasons for that action and either of the following:

(1) The approximate length of time that the employee is to be relieved of duties and the date by which a determination in the matter is expected; or

(2) the date on which a determination in the matter was made and either the date on which the employee is to be returned to duty or the date on which any other disposition of the matter that has been decided upon by the appointing authority is to be implemented.

(d) This regulation shall be effective on and af-

ter June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-2949, K.S.A. 75-3706, and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 2004 Supp. 75-2949, K.S.A. 75-3707, and 75-3746; effective May 1, 1979; amended June 5, 2005.)

1-9-19a. Drug screening test for certain employees. (a) Any employee holding one of the following positions may be required to submit to a drug screening test in accordance with K.S.A. 75-4362, and amendments thereto, based upon reasonable suspicion of illegal drug use by that employee:

- (1) Any safety-sensitive position;
 - (2) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety-sensitive position;
 - (3) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 *et seq.*, and amendments thereto;
 - (4) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 *et seq.*, and amendments thereto; and
 - (5) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs, as described in K.S.A. 76-1901 *et seq.* and K.S.A. 76-1951 *et seq.*, and amendments thereto.
- (b)(1) "Safety-sensitive position" shall be defined as provided by K.S.A. 75-4362(g), and amendments thereto.

(2) "Reasonable suspicion" means a judgment, supported by specific, contemporaneous, articulable facts or plausible inferences, that is made regarding the employee's behavior, appearance, or speech or supported by evidence found or reported that indicates drug use by the employee. Reasonable suspicion may be based on one or more of the following:

- (A) An on-the-job accident or occurrence in which there is evidence to indicate any of the following:
 - (i) The accident or occurrence was in whole or in part the result of the employee's actions or inactions;
 - (ii) the employee exhibited behavior or in other ways demonstrated that the employee may have been using drugs or may have been under the influence of drugs; or
 - (iii) a combination of the factors specified in paragraphs (b)(2)(A)(i) and (ii) is present;
- (B) an on-the-job incident that could be attrib-

utable to drug use by the employee, including a medical emergency;

(C) direct observation of behavior exhibited by the employee that could render the employee unable to perform the employee's job, in whole or part, or that could pose a threat to safety or health;

(D) information that has been verified by a person with the authority to determine reasonable suspicion and that indicates either of the following:

- (i) The employee could be using drugs or is under the influence of drugs, and this circumstance is affecting on-the-job performance; or
- (ii) the employee exhibits behavior that could render the employee unable to perform the employee's job or could pose a threat to safety or health;

(E) physical, on-the-job evidence of drug use by the employee or possession of drug paraphernalia;

(F) documented deterioration in the employee's job performance that could be attributable to drug use by the employee; and

(G) any other circumstance providing an articulable basis for reasonable suspicion.

(c) Any appointing authority may ask any employee in a position specified in subsection (a) to submit to a drug screening test under the circumstances of reasonable suspicion as a condition of employment. Refusal to comply with this requirement shall be considered the equivalent of receiving a confirmed positive result for referral or disciplinary purposes.

(d) Each employee required to submit to a drug screening test shall be notified of that requirement in writing and shall be advised of all of the following aspects of the drug screening program:

- (1) The methods of drug screening that may be used;
- (2) the substances that can be identified;
- (3) the consequences of a refusal to submit to a drug screening test or a confirmed positive result; and
- (4) the reasonable efforts to maintain the confidentiality of results and any medical information that are to be provided in accordance with subsection (k).

(e) Drug screening tests may screen for any substances listed in the Kansas controlled substances act.

(f) Any employee who has reason to believe that technical standards were not followed in deriving the employee's confirmed positive result may ap-

peal the result in writing to the director within 14 calendar days of receiving written notice of the result.

(g) A retest by the original or a different laboratory on the same or a new specimen may be authorized by the director, if the director determines that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a retest.

(h) An employee who receives a confirmed positive drug screen result shall be subject to dismissal in accordance with K.S.A. 75-2949d and K.S.A. 75-4362, and amendments thereto as follows:

(1) Except as provided in paragraph (2) of this subsection, the employee shall not be subject to dismissal solely on the basis of the confirmed positive result if the employee has not previously had a confirmed positive result or the equivalent and the employee successfully completes an appropriate and approved drug assessment and recommended education or treatment program.

(2) The employee shall be subject to dismissal if the employee is a temporary employee, is in trainee status, or is on probationary status at the time the employee is given written notice of the drug screen requirement.

(3) The employee shall be subject to dismissal in accordance with K.S.A. 75-2949f, and amendments thereto, if the employee fails to successfully complete an appropriate and approved drug assessment and recommended education and treatment program.

(4) The employee shall be subject to dismissal, in accordance with K.S.A. 75-2949f, and amendments thereto, if the employee has previously had a confirmed positive result or the equivalent.

(5) This regulation shall not preclude the appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d, and amendments thereto, for other circumstances that occur in addition to a confirmed positive result and that are normally grounds for discipline.

(i) Each employee who intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures, or falsifies a test result shall be subject to dismissal pursuant to K.S.A. 75-2949f, and amendments thereto.

(j) If the result of a drug screening test warrants disciplinary action, an employee with permanent status shall be afforded due process in accordance

with K.S.A. 75-2949, and amendments thereto, before any final action is taken.

(k)(1) All individual results and medical information shall be considered confidential and, in accordance with K.S.A. 75-4362, and amendments thereto, shall not be disclosed publicly. Each employee shall be granted access to the employee's information upon written request to the director.

(2) Drug screening test results shall not be required to be kept confidential in civil service board hearings regarding disciplinary action based on or relating to the results or consequences of a drug screen test.

(3) Each appointing authority shall be responsible for maintaining strict security and confidentiality of drug screening records in that agency. Access to these records shall be restricted to the agency's personnel officer or a designee, persons in the supervisory chain of command, the agency's legal counsel, the agency's appointing authority, the secretary of administration or a designee, the department of administration's legal counsel, and the director or a designee. Further access to these records shall not be authorized without the express consent of the director.

(1) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, and K.S.A. 2004 Supp. 75-4362; implementing K.S.A. 2004 Supp. 75-2949, K.S.A. 75-2949f, 75-3707, and K.S.A. 2004 Supp. 75-4362; effective, T-1-10-28-88, Oct. 28, 1988; effective Dec. 19, 1988; amended Feb. 19, 1990; amended April 13, 1992; amended May 31, 1996; amended Oct. 1, 1999; amended June 5, 2005.)

1-9-20. Leave usage for exempt employees. (a) When using available sick or vacation leave or other paid leave, as appropriate, each exempt employee shall obtain authorization for these absences in the manner prescribed by the employee's appointing authority.

(b) Each exempt employee shall follow the leave request procedures established by the employee's appointing authority for any time away from work. The employee shall obtain prior approval from the employee's supervisor for all time away from work, including periods of less than half of a day.

(c) Vacation, sick, and shared leave and holiday compensatory time shall be recorded as used only when employees in exempt positions use leave in half-day or full-day increments.

(d) Time away from work for less than half of a day shall not be accumulated over multiple days to total a half-day or full-day increment of vacation, sick, or shared leave or holiday compensatory time. However, time away from work of less than half of a day may be accumulated in the same day to total a half-day increment.

(e) A supervisor may deny the request of an exempt employee for time away from work of less than half of a day or may require the employee to use half of a day or a full day of an appropriate type of leave if the employee has abused the use of leave in less than half-day or full-day increments or if other similar circumstances exist. The employee shall not perform work before the allotted time of leave is used.

(f) Other types of leave used by employees in exempt positions, including jury duty, funeral, job injury, and disaster service leave, shall be reported in quarter-hour increments.

(g) An exempt employee shall not be suspended for a period that is less than the employee's workweek of seven consecutive 24-hour periods or multiples of this workweek, unless the suspension is imposed in good faith for either of the following conditions:

(1) for an infraction of a safety rule of major significance; or

(2) for violation of workplace conduct rules.

(h) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, and K.S.A. 75-5507; implementing K.S.A. 75-3707, 75-3746, and 75-5507; effective May 1, 1979; amended June 5, 2005.)

1-9-21. Nepotism. In accordance with K.S.A. 46-246a and K.A.R. 19-40-4, no state officer or employee shall advocate, participate in or cause the appointment, promotion, transfer, demotion or discipline of a member of the officer's or employee's household or a family member. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746, K.S.A. 1992 Supp. 46-246a; effective May 1, 1979; amended Jan. 6, 1992; amended July 26, 1993.)

1-9-22. Job injury leave. (a) Any classified or unclassified employee who sustains a qualifying job injury, as determined by the employee's appointing authority, shall be eligible for job injury leave in accordance with this regulation.

(b)(1) "Qualifying job injury" means an injury which:

(A) renders the employee unable to perform the employee's regular job duties;

(B) arose out of and in the course of employment with the state; and

(C)(i) was sustained as a result of a shooting, stabbing or aggravated battery, as defined in K.S.A. 21-3414, by another against the employee;

(ii) was sustained as a result of a confrontation with a patient or client in a mental health or mental retardation facility or ward wherein the client either inflicts great bodily harm, causes disfigurement, or causes bodily harm with a deadly weapon or in any manner whereby great bodily harm, disfigurement, dismemberment, or death can be inflicted; or

(iii) additionally for law enforcement officers, was sustained while in fresh pursuit of a person or while operating under the provisions of K.S.A. 8-1506.

Qualifying job injuries shall not include injuries sustained as a result of the intentional actions of a co-worker.

(2) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime or who is reasonably suspected of having committed a crime.

(c) Job injury leave shall not exceed six total months away from work. While an employee is on an approved job injury leave, the employing state agency shall continue to pay the employee's regular compensation. If the employee is awarded worker's compensation, the state agency shall pay the employee compensation in an amount which, together with worker's compensation pay, equals the regular pay of the employee. The employee shall not be required to use accrued sick leave or vacation leave. The employee shall continue to accrue sick and vacation leave as long as the employee remains in pay status. Nothing herein shall be construed as providing voluntary or gratuitous compensation payments in addition to temporary total disability compensation payments pursuant to the worker's compensation laws.

(d) The appointing authority may require an employee on approved job injury leave to return to full or limited duty if the employee is physically able to perform the duty as determined by a physician selected by the appointing authority or selected by a representative of the state self-insurance fund. However, any limited duty allowed shall not, in combination with time away from work on job injury leave, exceed the total six months allowed for job injury leave. If the em-

ployee remains unable to return to full duty, the appointing authority shall take such action as deemed to be in the best interest of the state.

(e) When an employee is on approved job injury leave, the appointing authority may require the employee to be examined by a physician selected by the appointing authority to determine the capability of the employee to return to full or limited duty.

(f) Employees on approved job injury leave shall be prohibited from being gainfully employed by any other employer.

(g) The requirements of this regulation may be waived or modified by the director upon written request of the appointing authority. Such a waiver or modification may be granted only upon a finding by the director that:

(1) granting the requested waiver or modification would not be in conflict with any statutes pertaining to leave; and

(2) failure to grant the requested waiver or modification would create a manifest injustice or undue hardship on the employee requesting the job injury leave. This regulation shall be effective on and after December 17, 1995. (Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-3746; effective, T-86-17, June 17, 1985; effective May 1, 1986; amended Nov. 21, 1994; amended Dec. 17, 1995.)

1-9-23. Shared leave. (a)(1) Any employee in a classified, regular position or in an unclassified position that is eligible for benefits may be eligible to receive or donate shared leave as provided in this regulation.

(2) Except as provided in paragraph (d)(1)(D), shared leave may be granted to an employee if all of the following conditions are met and if the employee meets the criteria specified in paragraph (b)(1):

(A) The employee or a family member of the employee, as defined in K.A.R. 1-9-5(e)(2), is experiencing a serious, extreme, or life-threatening illness, injury, impairment, or physical or mental condition.

(B) The illness, injury, impairment, or condition of the employee or the family member has caused, or is likely to cause the employee to take leave without pay or terminate employment.

(C) The illness, injury, impairment, or condition of the employee or the family member keeps the employee from performing regular work duties.

(b)(1) Each employee who meets the requirements of paragraph (a)(2) shall be eligible to receive shared leave if both of these conditions are met:

(A) The employee has exhausted all paid leave available for use, including vacation leave, sick leave, compensatory time, holiday compensatory time, and the employee's discretionary holiday.

(B) The employee has at least six continuous months of service, pursuant to K.A.R. 1-2-46.

(2) An employee shall be eligible to donate vacation leave or sick leave to another employee if these conditions are met:

(A) The donation of vacation leave does not cause the accumulated vacation leave balance of the donating employee to be less than 80 hours, unless the employee donates vacation leave at the time of separation from state service.

(B) The donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours, unless the employee donates sick leave at the time of separation from state service.

(C) If the employee is retiring from state service and receiving compensation for sick leave upon retirement, the donated sick leave consists only of the accumulated sick leave in excess of the applicable minimum accumulation amount required for eligibility for a sick leave payout in accordance with K.S.A. 75-5517, and amendments thereto.

(c)(1)(A) When requesting shared leave, an employee shall be required to provide a statement from a licensed health care provider or other medical evidence necessary to adequately establish that the illness, injury, impairment, or physical or mental condition of the employee or family member is serious, extreme, or life-threatening and keeps the employee from performing regular work duties. If the employee fails to provide the required evidence, the use of shared leave shall be denied.

(B) At any time during the use of shared leave, the appointing authority may require the employee to provide a statement from a licensed health care provider or other medical evidence necessary to establish that the illness, injury, impairment, or physical or mental condition of the employee or family member continues to be serious, extreme, or life-threatening or to establish when the employee will be able to return to work. If the employee fails to provide the required evi-

dence, the use of shared leave may be terminated by the appointing authority.

(2)(A) The appointing authority shall determine whether or not an employee meets the initial eligibility requirements in paragraph (b)(1) and, if applicable, whether or not the employee would be caring for an individual who meets the definition of a family member.

(B) Shared leave may be denied if the appointing authority determines that the requesting employee has a history of leave abuse.

(C) Any employee who currently is receiving workers compensation for the illness, injury, impairment, or physical or mental condition that is the basis for the shared leave request or has submitted an application to the division of workers compensation for this illness, injury, impairment, or condition shall not be eligible to receive shared leave.

(d)(1)(A) A shared leave committee shall be established and coordinated by the director. The shared leave committee shall consist of three current employees in the executive branch who, in the director's judgment, have experience in making determinations regarding leave and who will be fair and impartial in discharging their responsibilities.

(B) Except as provided by paragraph (d)(2) below, once the appointing authority determines that an employee meets the eligibility requirements set out in paragraph (c)(2) above, the shared leave committee shall determine whether or not the illness, injury, impairment, or physical or mental condition of the employee or the employee's family member meets the conditions established in paragraph (a)(2) of this regulation.

(C) If the shared leave committee determines that the illness, injury, impairment, or physical or mental condition meets the requirements of paragraph (a)(2), the appointing authority shall grant all or a portion of the time requested.

(D) An appointing authority may approve an employee's request for shared leave regardless of the determination of the shared leave committee if the appointing authority determines that such a decision would be in the best interests of the state. Before approving the request, the appointing authority shall consult with the director about the factors that the appointing authority is relying upon in making the determination that approval of the shared leave is in the best interests of the state.

(2) If the appointing authority is an elected of-

ficial, the appointing authority may determine whether or not the illness, injury, impairment, or physical or mental condition of the employee or the employee's family member meets the conditions established in paragraph (a)(2) or may submit the shared leave request to the shared leave committee for determination as provided in paragraph (d)(1).

(e) Employees shall not be notified of the need for shared leave donations until the request for shared leave has been approved as provided in subsection (d). No employee shall be coerced, threatened, or intimidated into donating leave or financially induced to donate leave for purposes of the shared leave program.

(f) The records of all shared leave donations shall remain confidential.

(g)(1) Shared leave may be used only for the duration of the serious, extreme, or life-threatening illness, injury, impairment, or physical or mental condition for which it was collected. The maximum number of hours of shared leave that may be used by an employee shall be the total hours that the employee would regularly be scheduled to work during a six-month period.

(2) No employee shall be eligible to use shared leave after meeting the eligibility requirements for disability benefits under the Kansas public employees retirement system.

(3) Employees shall use shared leave in accordance with their regular work schedules.

(4) Exempt employees shall use shared leave only in half-day or full-day increments.

(h)(1) Shared leave may be applied retroactively for a maximum of two pay periods preceding the date the employee signed the shared leave request form.

(2) The employee shall no longer be eligible to receive shared leave for a particular occurrence if any of these conditions is met:

(A) The illness, injury, impairment, or condition of the employee or the employee's family member improves so that it is no longer serious, extreme, or life-threatening, and the employee is no longer prevented from performing regular work duties.

(B) The employee terminates or retires.

(C) The employee returns to work and works the employee's regular work schedule for at least 20 continuous working days.

(3) Any unused portion of the shared leave shall be prorated among all donating employees based on the original amount and type of donated leave and returned to those employees within two

pay periods of the date on which it is determined that the employee receiving the donated leave is no longer eligible for shared leave. Shared leave shall not be returned to donating employees in increments of less than one full hour or to any person who has left state service.

(i)(1) Shared leave shall be paid according to the receiving employee's regular rate of pay by the receiving employee's agency. The rate of pay of the donating employee shall not be used in figuring the amount of shared leave the requesting employee receives.

(2) Shared leave shall be donated in full-hour increments.

(j) Any decision to approve or deny a request for shared leave or any other determination regarding the extension or termination of shared leave shall be final and shall not be subject to appeal to the civil service board.

(k) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, and K.S.A. 75-5549; implementing K.S.A. 75-3707, 75-3746, and 75-5549; effective, T-1-7-23-92, July 23, 1992; effective Sept. 14, 1992; amended July 26, 1993; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996; amended Sept. 18, 1998; amended, T-1-2-17-00, Feb. 17, 2000; amended June 16, 2000; amended June 5, 2005.)

1-9-24. Disaster service volunteer leave.

(a) An appointing authority may authorize leave with pay to any employee in the classified or unclassified service who is a certified disaster service volunteer of the American red cross.

(1) Such leave may only be granted when:

(A) the employee is requested by the American red cross to provide disaster services;

(B) the disaster is designated as a Level II disaster or above by the American red cross; and

(C) the disaster occurs in Kansas or in states contiguous to Kansas.

(2) Request for disaster service volunteer leave shall be made in accordance with K.A.R. 1-9-3(a) and shall include written verification of the provisions of paragraph (a)(1) from the American red cross.

(3) Disaster volunteer leave shall not exceed 20 working days in the 12-month period that starts the first day the leave was used.

(b) The employee shall not be considered to be an employee of the state for the purposes of work-

ers' compensation or the Kansas tort claims act while on disaster service leave. (Authorized by K.S.A. 75-3747; implementing L. 1993, ch. 33, § 3; effective, T-1-11-16-93, Nov. 16, 1993; effective Dec. 27, 1993.)

1-9-25. Alcohol and controlled substances tests for employees in commercial driver positions. (a) (1) For purposes of this regulation, "the act" means the provisions of 49 U.S.C. app. § 2717, as amended, that apply to the alcohol and controlled substance testing of employees in commercial driver positions.

(2) This regulation shall apply to any employee in a commercial driver position who may be required to submit to an alcohol or controlled substances test in accordance with the act.

(b) Any appointing authority may ask any current employee in a commercial driver position within that agency to submit to alcohol and controlled substances tests under the provisions of the act as a condition of employment. Refusal to comply with this requirement shall be considered the equivalent of receiving a confirmed "positive" test result for referral or disciplinary actions.

(c)(1) Each employee required to submit to alcohol or controlled substances tests shall be notified of that requirement in writing. Each appointing authority shall provide to each current employee in a commercial driver position within that agency detailed materials containing the information identified in paragraph (c)(2). These materials shall be provided to each current employee before the start of alcohol and controlled substances testing by the agency and to each employee subsequently hired or transferred into a commercial driver position.

(2) The information provided to each employee in a commercial driver position shall include the following:

(A) The identity of the person designated by the appointing authority to answer drivers' questions about the materials;

(B) the categories of drivers who are subject to the provisions of the act;

(C) sufficient information about the safety-sensitive functions performed by those drivers to specify during which periods of the workday the driver is required to be in compliance with the act;

(D) specific information concerning driver conduct that is prohibited by the act;

(E) the circumstances under which a driver will

be tested for alcohol or controlled substances under the act;

(F) the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

(G) the requirement that each driver submit to alcohol and controlled substances tests administered in accordance with the act;

(H) an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(I) the consequences for drivers found to have violated the act, including the requirement that the driver be removed immediately from safety-sensitive functions, and the referral, evaluation, and treatment procedures under the act;

(J) the consequences for drivers found to have an alcohol concentration exceeding permissible levels established under the act;

(K) information regarding postaccident procedures and the instructions necessary for the employee to be able to comply with the postaccident testing requirements; and

(L) information concerning the following:

(i) The effects of the use of alcohol and controlled substances on an individual's health, work, and personal life;

(ii) the signs or symptoms of an alcohol or a controlled substances problem, whether the driver's own problem or that of a coworker; and

(iii) the available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to the state employee assistance program, referral to management, or a combination of these methods.

(d) This subsection shall apply only to employees with permanent status, including employees with permanent status who are serving a probationary period due to a promotion.

(1) Except as provided by paragraph (d)(2), an employee shall not be subject to dismissal solely on the basis of a confirmed "positive" test result or the equivalent or a violation of any other provision of the act if the employee has not previously had a confirmed "positive" test result or the equivalent or any other violation of the act and the employee successfully completes an appropriate and approved alcohol and controlled substance assessment and any recommended education or treatment program. However, the

employee shall be subject to dismissal in accordance with K.S.A. 75-2949f, and amendments thereto, if the employee has previously had a confirmed "positive" test result or the equivalent or any other violation of the act or if the employee fails to successfully complete an appropriate and approved alcohol and controlled substance assessment and any recommended education and treatment program as prescribed by the substance abuse professional. This regulation shall not preclude the appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d, and amendments thereto, for other circumstances that occur in addition to a confirmed "positive" test result or another violation of the act and that are normally grounds for discipline.

(2) Each employee who takes any of the following actions shall be subject to dismissal pursuant to K.S.A. 75-2949f, and amendments thereto:

(A) Intentionally adulterates, tampers with, or substitutes a sample provided for alcohol or controlled substances testing;

(B) violates the chain-of-custody or identification procedures; or

(C) falsifies a test result.

(3) If disciplinary action is warranted under the provisions of this regulation, the appointing authority shall afford the employee due process in accordance with K.S.A. 75-2949, and amendments thereto.

(e) An employee shall be subject to dismissal if both of the following conditions are met:

(1) At the time the employee is given written notice of an appointment for an alcohol or controlled substances test, the employee is a temporary employee, is in trainee status, or is serving a probationary period, other than an employee with permanent status who is serving a probationary period due to a promotion.

(2) The employee has a confirmed "positive" test result or the equivalent or takes any of the following actions:

(A) Adulterates, tampers with, or substitutes a sample provided for controlled substances testing;

(B) violates the chain-of-custody or identification procedures;

(C) falsifies a test result; or

(D) violates any other applicable provision of the act.

(f)(1) Each appointing authority shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substances records in that agency. Access to these

records shall be restricted to the following personnel:

(A) The agency's personnel officer, the agency's appointing authority, the secretary of administration, the director, or any of their respective designees;

(B) persons in the supervisory chain of command;

(C) the agency's legal counsel; or

(D) the department of administration's legal counsel.

(2) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3746 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995; amended Sept. 18, 1998; amended October 1, 1999; amended Jan. 12, 2007.)

1-9-26. Preduty controlled substances testing for employees in positions assigned commercial driver functions. (a) (1) For purposes of this regulation, "the act" means the provisions of 49 U.S.C. app. § 2717, as amended, that apply to the preduty controlled substances testing of employees in positions assigned commercial driver functions.

(2) This regulation shall apply to any existing, filled position to which the appointing authority assigns duties that result in the position becoming a commercial driver position, thereby subjecting the incumbent employee to the requirements of the act, including its controlled substances testing requirements and the provisions of the act regarding release of alcohol and controlled substances test information by previous employers.

(b) Each employee who is an incumbent in a position to which commercial driver functions are assigned shall be informed of the provisions of the act and this regulation in writing and shall sign a statement agreeing to participate in the controlled substances testing before administration of the test. The appointing authority shall advise each employee required to submit to controlled substances testing under the act of the following aspects of the testing program:

(1) The methods of controlled substances testing that may be used;

(2) the substances that may be identified;

(3) the consequences of a refusal to submit to a controlled substances test or of a confirmed "positive" test result; and

(4) the reasonable efforts utilized by the state to maintain the confidentiality of results and any medical information that may be provided.

(c) If an incumbent employee fails to participate in the required controlled substances test, refuses to sign the written authorization required under subsection (b) of this regulation, or refuses to provide written authorization for release of alcohol and controlled substances test information by previous employers, the employee shall not begin performing the safety-sensitive functions. A subsequent refusal to participate in the required testing or to sign the written authorization shall be grounds for the following consequences:

(1) Discipline under K.S.A. 75-2949f, and amendments thereto, for any employee with permanent status, including an employee serving a probationary period due to a promotion from a position in which the employee had permanent status; or

(2) termination, for any temporary employee, any employee in trainee status, or any employee serving a probationary period, other than an employee with permanent status who is serving a probationary period due to a promotion.

(d) This subsection shall apply only to employees with permanent status, including employees with permanent status who are serving a probationary period due to a promotion.

(1) Except as provided by paragraph (d)(3), an incumbent employee in a position to which commercial driver functions are assigned shall not be subject to dismissal solely on the basis of a confirmed "positive" test result if the employee successfully completes an appropriate and approved alcohol and controlled substance assessment and any recommended education or treatment program, as provided by the act. However, the employee shall be subject to dismissal in accordance with K.S.A. 75-2949f, and amendments thereto, if the employee has previously had a confirmed "positive" test result or the equivalent, if the employee committed some other violation of the act, or if the employee fails to successfully complete an appropriate and approved alcohol and controlled substance assessment and any recommended education and treatment program prescribed by the substance abuse professional. This regulation shall not preclude the appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d, and amendments thereto, for other circumstances that occur in addition to a confirmed "positive" test result or an-

other violation of the act and that are normally grounds for discipline.

(2) The provisions of (d)(1) relating to a confirmed “positive” test shall apply if the information obtained from a prior employer under the act indicates that, within the preceding two years, both of the following have occurred:

(A) The employee violated any of the provisions of the act.

(B) The employee failed to complete the requirements for returning to work under the act, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test, or both, and completion of any rehabilitation or treatment program prescribed by the substance abuse professional.

(3) Each employee who takes any of the following actions shall be subject to dismissal pursuant to K.S.A. 75-2949f, and amendments thereto:

(A) Intentionally adulterates, tampers with, or substitutes a sample provided for alcohol or controlled substances testing;

(B) violates the chain-of-custody or identification procedures; or

(C) falsifies a test result.

(4) If disciplinary action is warranted based on the provisions of this regulation, the appointing authority shall afford the employee due process in accordance with K.S.A. 75-2949, and amendments thereto.

(e) An employee shall be subject to termination if both of the following conditions are met:

(1) At the time the employee is given notice of the assignment of commercial driver functions to the employee’s position, the employee is a temporary employee, is in trainee status, or is serving a probationary period, other than an employee with permanent status who is serving a probationary period due to a promotion.

(2) One or more of the following has occurred:

(A) The employee has a confirmed “positive” test result or the equivalent.

(B) The information obtained from a prior employer under the act indicates that, within the preceding two years, both of the following occurred:

(i) The employee violated any of the provisions of the act.

(ii) The employee failed to complete the requirements for returning to work under the act, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test, or both, and completion of any

rehabilitation or treatment program prescribed by the substance abuse professional.

(C) The employee takes any of the following actions:

(i) Intentionally adulterates, tampers with, or substitutes a sample provided for controlled substances testing;

(ii) violates the chain-of-custody or identification procedures;

(iii) falsifies a test result; or

(iv) violates any other applicable provision of the act.

(f)(1) Each appointing authority shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substance testing records in that agency. Access to these records shall be restricted to the following individuals:

(A) The agency’s personnel officer, the agency’s appointing authority, the secretary of administration, the director, or any of their respective designees;

(B) persons in the supervisory chain of command;

(C) the agency’s legal counsel; or

(D) the department of administration’s legal counsel.

(2) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 75-3706 and K.S.A. 2005 Supp. 75-3747; implementing K.S.A. 75-3746 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995; amended June 20, 1997; amended Sept. 18, 1998; amended Jan. 12, 2007.)

1-9-27. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 31, 1996; amended June 20, 1997; revoked June 5, 2005.)

Article 10.—GUIDANCE AND DISCIPLINE

1-10-1 to 1-10-5. (Authorized by K.S.A. 1980 Supp. 75-3747; effective May 1, 1979; revoked, E-82-14, July 1, 1981; revoked May 1, 1982.)

1-10-6. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2949d and 75-

2944; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended Dec. 27, 1993; amended May 31, 1996; amended Sept. 18, 1998; revoked June 5, 2005.)

1-10-7. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 1996 Supp. 75-3747; implementing K.S.A. 75-2949; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended Oct. 24, 1997; revoked June 5, 2005.)

1-10-8. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2944 and 75-2946; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended Dec. 17, 1995; revoked May 31, 1996.)

1-10-9. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 75-2946; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended Dec. 17, 1995; revoked May 31, 1996.)

1-10-10. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and 75-3747; implementing K.S.A. 75-2925, 75-2949, 75-2952, 75-2957, 75-3707, and 75-3746; effective Oct. 1, 1999; revoked June 5, 2005.)

1-10-11. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and 75-3747; implementing K.S.A. 75-2925, 75-2949, 75-2952, 75-2957, 75-3707, and 75-3746; effective Oct. 1, 1999; revoked June 5, 2005.)

Article 11.—NONDISCIPLINARY TERMINATION

1-11-1. Resignation. (a) Each employee wishing to resign in good standing shall file with the appointing authority, at least two weeks before the employee's last day at work, a written resignation stating the date it will become effective and the reasons for leaving. If the employee fails to give the required written notice of resignation as specified in this subsection, the appointing authority may have a statement concerning this failure inserted in the employee's official personnel record. Any appointing authority may consider the fact that a person did not give the required notice when the person resigned from earlier employment with the state to be grounds for refusal to employ that person.

(b) With the approval of the appointing authority, an employee may withdraw a resignation.

(c) An appointing authority may consider any unauthorized absence from work for a period of five consecutive working days for which the employee does not provide a satisfactory explanation to be abandonment of the job and a presumed resignation. Before terminating an employee for a presumed resignation, the appointing authority shall make a reasonable effort to obtain a satisfactory explanation from the employee.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended May 1, 1985; amended May 31, 1996; amended June 7, 2002; amended June 5, 2005.)

1-11-2. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 1981 Supp. 75-2948; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; revoked May 1, 1984.)

1-11-3. This regulation shall be revoked on and after June 5, 2005. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked June 5, 2005.)

Article 12.—GRIEVANCES AND APPEALS

1-12-1. Grievance procedure. Each appointing authority shall establish in writing a grievance procedure for its employees. The availability to, or the use of, a grievance procedure by an employee shall not preclude the employee's use of appropriate appeal procedures that are available to the employee in the civil service act or these regulations. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended June 5, 2005.)

1-12-2. Agency appeals. Any appointing authority may appeal any final decision of the director of personnel services to the secretary of administration by filing a written notice of appeal with the secretary, signed by the appointing authority, with a copy to the director. Each notice of appeal shall state in clear and concise language the final decision of the director that is the subject of the appeal and the grounds upon which the appeal is based. The notice of appeal shall be de-

livered to the secretary's office or mailed to the secretary within 10 working days of the date on which the final decision becomes effective. The day and hour for hearing the appeal shall then be set by the secretary. The appeal shall be conducted informally. Both the appellant and the director may be present in person or by counsel, and both may present evidence and argument. A timely disposition of the appeal shall be made by the secretary. A copy of the secretary's decision shall be provided to the appointing authority and the director by the secretary. The filing of a notice of appeal or the pendency of an appeal shall not suspend the final decision from which the appeal is taken. This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended June 5, 2005.)

**Article 13.—RECORDS, REPORTS,
RESEARCH AND EVALUATION
OF PERSONNEL SYSTEM**

1-13-1. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 1, 1983.)

1-13-1a. Content of employees' official personnel records. (a) The official personnel record of each state employee shall include the following information:

- (1) Records showing the employee's hires, transfers, promotions, demotions, separations, changes of pay rates, leaves of absence, and any other changes in employment status;
- (2) performance reviews, letters of reprimand and letters of rebuttal, and letters of commendation;
- (3) the application for each position for which the employee was hired;
- (4) letters of disciplinary action; and
- (5) any other information related to state service that the appointing authority deems appropriate.

(b) The records specified in subsection (a) may be maintained in paper or electronic form or by using other appropriate media.

(c) The official personnel record of each state employee shall be transferred with the employee if the employee is appointed to a position in another agency.

(d) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2950, and K.S.A. 75-3746; effective May 1, 1983;

amended Dec. 27, 1993; amended Dec. 17, 1995; amended May 31, 1996; amended June 20, 1997; amended June 5, 2005.)

1-13-1b. Disclosure of employee information. (a) Except as otherwise provided in this regulation and the Kansas open records act, K.S.A. 45-215 *et seq.* and amendments thereto, the information contained in each state employee's official personnel record shall not be open to public inspection.

(b) Upon any inquiry, the appointing authority shall disclose the following information concerning any current or former employee:

- (1) The name of the employee;
- (2) the employee's current job title;
- (3) the employee's current or prior pay; and
- (4) the employee's length of employment with the state;
- (5) the name of the employing agency; and
- (6) the length of time the employee has served in the employee's current position.

(c) When appropriate personnel from one of the following agencies, in carrying forth their official duties, establish a need for information contained in an employee's official personnel record, the appropriate personnel from these agencies shall be permitted to access the other employee's personnel record:

- (1) The Kansas department of administration;
- (2) the Kansas attorney general's office, including the Kansas bureau of investigation;
- (3) the federal equal employment opportunity commission and the Kansas human rights commission;
- (4) the Kansas civil service board;
- (5) legislative post audit;
- (6) the agency employing that employee; and
- (7) employees of the Kansas department of social and rehabilitation services responsible for that agency's child support enforcement activities.

(d) Any current or former employee, or any other individual or an organization if authorized in writing by the current or former employee, may review that employee's official personnel record upon written request to the appointing authority. The appointing authority shall place in the employee's personnel record a copy of the written request and the written authorization from the employee. The review shall be consistent with the conditions established by the appointing authority and at a time and place mutually convenient to the parties.

(e)(1) Any appointing authority with an established need to review the personnel record of an employee in another state agency may, upon request to the appointing authority of the employing agency, review the employee's official personnel record, including applications for employment and performance reviews.

(2) Each appointing authority responding to job-related reference and performance questions from another state agency shall answer the questions in good faith.

(3) If a prospective employer, other than another state agency, requests information about a current or former state employee as part of a reference check, the response of the appointing authority shall be consistent with the requirements of K.S.A. 44-119a, and amendments thereto.

(f) The official personnel record of any specifically named employee shall be made available for inspection in connection with litigation, pursuant to the terms of an order entered by a judge of any federal, state, or municipal court having proper jurisdiction over the litigation.

(g) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2950 and 75-3746; effective June 5, 2005.)

1-13-2 to 1-13-4. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF

1-14-1 to 1-14-5. (Authorized by K.S.A. 75-2965, 75-2966, 75-2968; effective Jan. 1, 1967; revoked May 1, 1979.)

1-14-6. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2948; effective May 1, 1984; amended January 18, 1994; revoked May 31, 1996.)

1-14-7. Agency submission of layoff notice to director. (a) When submitting a layoff notice to the director, the appointing authority shall list the reason for the proposed layoff. As established by K.S.A. 75-2948, as amended, the reasons for proposing a layoff shall be limited to:

- (1) a shortage of work or funds;
- (2) the reinstatement of an employee returning from authorized leave; or
- (3) the abolition of a position or other material change in duties or organization.

(b) Any appointing authority proposing a layoff shall give written notice of the proposed layoff to the director, and a copy of the notice to the secretary of administration, at least 45 calendar days before the proposed effective date of the layoff. In cases of extenuating circumstances, the 45-day notice requirement may be waived by the director. However, in no case shall notice of layoff to the director be less than 30 days prior to the proposed effective date of the layoff.

(c) In the notice, the appointing authority shall specify:

- (1) the reason or reasons for the layoff;
- (2) the class, classes, or class series in which the layoff is to occur;
- (3) the estimated number of employees to be laid off;
- (4) the proposed effective date of each layoff;
- (5) the position or positions to be vacated by layoff; and
- (6) the layoff scores of employees identified in subsection (a) of K.A.R. 1-14-9.

(d) In addition to the information required under subsection (c), the notice shall include the following information:

- (1) a list of the agency's organizational units;
- (2) a description of any geographic areas to which the layoffs will be limited; and
- (3) any other information requested by the director.

If the agency chooses to permit employees to bump into lower classes in a class series in addition to any lower class in which an employee had permanent status, the notice shall also indicate the class series to be used for bumping.

(e)(1) The appointing authority may designate a geographic area or an organizational unit within which the layoff is to occur and within which the employees are to be subject to layoff. If one or more geographic areas or organizational units are designated by the appointing authority, they shall be indicated in the layoff notice. If no area or unit is designated, the layoff shall be agency-wide. The appointing authority also may limit the layoff to full-time employees or to employees employed on less than a full-time basis.

(2) If an area or unit is used, the layoff and bumping rights shall be applied only to employees within the designated area or unit. When the layoff is limited to full-time employees or less than full-time employees, any employee with permanent status may exercise bumping rights into a position filled by any employee with probationary

status only within the group of employees having the same full-time or less than full-time status. Otherwise, any employee with permanent status may exercise bumping rights into any position filled by an employee with probationary status anywhere within the agency, if the employee with permanent status meets the required selection criteria for the class.

(f) The appointing authority may also allow employees to bump into lower classes in a class series in addition to any lower class in which the employee had permanent status. The class series bumping option shall be limited to class series that are designated in the layoff notice.

(g) Within 10 working days of the receipt of a proposed layoff notice, the agency shall be contacted by the director with any questions the director may have regarding the layoff, and the proposed layoff shall be reviewed with the secretary of administration. The proposed layoff shall be approved, modified and approved as modified, or rejected by the secretary within 15 working days of the receipt of the proposed layoff notice. The agency shall be notified in writing of the secretary's determination. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-14-8. Computation of layoff scores. (a) A layoff score shall be computed by the appointing authority for each employee in the agency who has permanent status and who is in a class of positions identified for layoff or that may be affected by the exercise of bumping rights.

(b) Layoff scores shall be computed according to the formula: $A \times L$, where A and L have the following values:

(1) A = the average performance review rating of the employee, as described in subsection (d); and

(2) L = the length of service, as defined in K.A.R. 1-2-46(a), expressed in months.

Length of service for a retired employee who has returned to work shall be calculated on the same basis as a new hire. The layoff scores shall be prepared in accordance with a uniform score sheet prescribed by the director.

(c) Layoff scores computed by the appointing authority shall be made available for inspection by each employee upon request at or before the time the agency gives written notice of a proposed lay-

off to the director and the secretary pursuant to K.A.R. 1-14-7. Upon request of any employee, the appointing authority shall review the manner in which the employee's score was calculated. Any dispute as to the proper calculation of a layoff score of any employee shall be resolved by the director.

(d) Except as otherwise authorized by this subsection, the performance review ratings used in computing the layoff score of an employee shall be the most recent ratings for the employee during the last five years up to and including five ratings, if the employee has as many as five ratings. However, a rating resulting from a special performance review that is given for a rating period ending within 90 calendar days of any notice of the layoff to the director shall not be counted. Performance reviews completed for rating periods ending on or after the date the appointing authority notifies the director in writing that a layoff is to occur shall not be considered in computing layoff scores; however, the appointing authority may designate a uniform earlier cutoff date to identify which performance review ratings are to be used in computing layoff scores.

(1) For the purposes of calculating layoff scores in accordance with the formula established in subsection (b), a rating of exceptional shall have a value of five, a rating of satisfactory shall have a value of three, and a rating of unsatisfactory shall have a value of zero.

(2) If an employee does not have a total of five performance review ratings for use in computation of a layoff score, the layoff score shall be an average of the ratings that the employee has actually received.

(3) If an employee has no performance review ratings that may be used to compute a layoff score, the employee shall be deemed to have been given a single performance review rating of satisfactory, and the value of that rating shall be used to compute a layoff score. New hires and rehires employed on a basis other than reinstatement who are on probation and employees in training classes shall be subject to subsections (e), (f), and (g).

(4) In case of identical layoff scores, and if some, but not all, of the persons with the same score need to be laid off, preference among these persons shall be given to any veteran, any surviving spouse of a veteran, and any orphan of a veteran, in that order. For the purpose of this regulation, the following terms shall be defined as follows:

(A) "Person who served in the armed forces of the United States" means any person who served in the army, navy, air force, or marine corps of the United States in world war I or world war II, and any person who served with the armed forces of the United States during the military, naval, and air operations in Korea, Vietnam, or other places under the flags of the United States and the United Nations or under the flag of the United States alone.

(B) "Veteran" means any person who served in the armed forces of the United States and who was honorably discharged or discharged under honorable conditions from the armed forces.

(C) "Surviving spouse" means the spouse of a person who served in the armed forces of the United States and who died while in the U.S. armed forces, unless the spouse has remarried.

(D) "Orphan" means a minor who is the child of a person who served in the armed forces of the United States and who died while serving in the U.S. armed forces.

If further ties remain, a method of breaking the ties shall be established by the secretary that is consistent with agency affirmative action goals and timetables for addressing underutilization of persons in protected groups. If further ties remain, preference in retention shall be given to the person with the greatest length of service as defined in K.A.R. 1-2-46. If a tie still exists, the next preference shall be given to the person with the greatest length of service, as defined in K.A.R. 1-2-46, within that agency. If a tie still exists, the appointing authority shall be responsible for determining an equitable tie-breaking system.

(e) New hires and rehires on probation shall not be granted permanent status on or after the date the appointing authority has notified the director of a proposed layoff. However, any new hire or rehire on probation in a position for which no employee subject to layoff meets the required selection criteria may be given permanent status. New hires and rehires on probation shall have their probationary period extended until it is certain that no employee with permanent status whose position is to be vacated by layoff or who otherwise would be laid off through the exercise of bumping rights is claiming the position held by the employee with probationary status.

(f) Any employee serving a probationary period as a result of one of the following shall be considered to have permanent status for layoff purposes:

(1) Promotion of an employee who has permanent status;

(2) reallocation of a position if the incumbent has permanent status; or

(3) promotion from a classified position with at least six months of continuous classified service.

(g) Any employee who is in training status in a governor's trainee position, or in any identified training position, and who has at least six months of continuous service shall be considered to have permanent status for layoff purposes only.

(h) The layoff list shall be based on the order of the layoff scores. The person with the lowest layoff score shall be laid off first. If more than one person is to be laid off, the persons to be laid off shall be selected on the basis of the lowest layoff scores.

(i) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2943 and 75-2948; effective May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 27, 1993; amended Dec. 17, 1995; amended June 5, 2005.)

1-14-9. Layoff notice to employee.

(a) Any appointing authority proposing a layoff shall give written notice of the proposed layoff to:

(1) Each employee in a position identified for layoff or who may be affected by layoff;

(2) each employee that may be laid off through the exercise of layoff bumping rights; and

(3) the director of personnel services.

(b) The notice required under subsection (a) shall be given at least 30 calendar days before the effective date of the proposed layoff.

(c) Written notice of layoff shall be deemed to have been properly given if, at least 30 days prior to the date of layoff:

(1) the notice is personally delivered to the employee by two or more persons or if it is personally delivered to the employee by one person and a written acknowledgement of receipt is obtained from the employee; or

(2) the notice is sent by certified mail, restricted delivery, to the residential address of the employee as shown on the agency's records. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2948; effective May 1, 1984.)

1-14-10. Procedures for bumping and layoff conferences.

(a) Bumping shall occur within the layoff group identified in the agency's

layoff notice, or agency-wide if the agency has not designated a layoff group. If the criteria set forth in paragraphs (1) and (2) of this subsection have been met, any employee with permanent status, or any employee considered permanent for layoff purposes only, who is scheduled for layoff shall only bump into a lower class in which the employee previously had permanent status, unless the employee's position is in a class which is part of a class series designated by the appointing authority in the agency's layoff notice. If such a class series is designated in the agency's layoff notice, then the employee shall be permitted to bump into a lower class in the class series. Except as authorized by subsection (b), in order for an employee with permanent status to exercise bumping rights, the employee shall meet the following criteria.

(1) The employee to be bumped shall have a lower layoff score than the person exercising the bumping right.

(2) The employee to be bumped shall have the lowest layoff score in the employee's job class of anyone in a position not scheduled for layoff.

(b) No employee with permanent status shall be laid off if:

(1) there is a position filled by a probationary employee anywhere in the agency;

(2) the employee with permanent status scheduled to be laid off is interested in the position; and

(3) the employee with permanent status is eligible for transfer or demotion to the position pursuant to K.A.R. 1-6-24 and 1-6-27.

(c) If an agency's layoff notice permits bumping only into lower classes in which an employee had previous permanent status, and the class or classes in which the employee had previous permanent status have been abolished, the employee shall be afforded bumping rights to a similar job class in a lower pay grade, if a similar job class exists as determined by the director.

(d) Bumping procedures shall begin as soon as possible after layoff notices have been given pursuant to K.A.R. 1-14-9. The appointing authority or designee shall develop a schedule for an individual conference with each affected employee, starting with the employee having the highest layoff score. The schedule of conferences shall continue in this order until each affected employee has had such a conference. During the layoff conference, the employee shall be informed of the bumping options available to the employee and of the opportunity to select one such option. The

employee may defer the selection no longer than one full working day, unless a longer period of time is authorized by the appointing authority. When an employee is unavailable on the day the employee is scheduled for a layoff conference, the appointing authority shall reschedule the layoff conference. If the employee fails to appear at the rescheduled conference, the appointing agency shall not be required to hold a layoff conference with the employee and the employee shall forfeit bumping rights. Any disputes stemming from the forfeiture of bumping rights shall be resolved by the director. In extenuating circumstances and when deemed to be in the best interest of the state service, group layoff conference sessions may be authorized by the appointing authority.

(e) At the layoff conference, each employee shall be informed of the employee's right to seek reemployment opportunities with the state, including placement assistance provided by the division. Placement assistance shall be available to the affected employee for up to three years after the effective date of the layoff unless the affected employee requests in writing that the employee does not want placement assistance.

(f) Any employee who is not scheduled for layoff, but whose position will be vacated during the layoff and bumping process, and who refuses to accept a transfer or demotion to another position, may request to be laid off voluntarily. Any employee who has been granted a voluntary layoff shall have reemployment rights. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-14-11. Furlough leave without pay.

(a) If an appointing authority desires to deviate from the standard workweek as provided in K.A.R. 1-9-1 in order to implement a furlough plan, the appointing authority shall implement the plan in accordance with this regulation.

(b) In accordance with subsection (c) of this regulation, if an appointing authority deems it necessary by reason of shortage of funds, the appointing authority may furlough without pay all employees in the classified service in designated classes, organizational units, geographical areas, or any combination of those groups unless specific funding sources necessitate exceptions. "Furlough" shall be defined as leave without pay for a preset number of hours during each pay period

covered by the furlough plan. An employee's social security and retirement contributions shall be affected under a furlough, but all other benefits, including the accrual of vacation and sick leave, shall continue, notwithstanding other regulations to the contrary. A furlough shall not affect the employee's continuous service, length of service, pay increase anniversary date, or eligibility for authorized holiday leave or pay.

(c) At least 30 calendar days before the date a furlough is to be implemented, the appointing authority shall prepare a furlough plan specifying the following information:

- (1) The cause of the funding shortage;
- (2) the effective date of the furlough and the date on which the furlough is to end;
- (3) the methods for notifying the affected employees;
- (4) the amount of advance notice that will be given to affected employees, which shall not be less than 10 calendar days;
- (5) the estimated cost savings;
- (6) each class, organizational unit, or geographical area to be affected;
- (7) the criteria used to select each class, organizational unit, or geographical area to be included in the furlough;
- (8) any exceptions to the furlough plan based on funding sources; and
- (9) the number of hours by which the workweek will be reduced, including separate categories detailing the proposed reduction in hours by standardized increments for exempt and nonexempt employees.

(d) A copy of each furlough plan prepared in accordance with subsection (c) shall be submitted to the director at least 30 days before the date the furlough is to be implemented.

(e) In no case shall this regulation be used as a disciplinary action against an employee.

(f) This regulation shall be effective on and after June 5, 2005. (Authorized by K.S.A. 75-3706, K.S.A. 2004 Supp. 75-3747, and K.S.A. 75-5514; implementing K.S.A. 75-3707, 75-3746, and 75-5505; effective, T-88-5, Feb. 11, 1987; effective, T-89-1, May 1, 1988; effective Oct. 1, 1988; amended May 31, 1996; amended June 5, 2005.)

1-14-12. Layoff procedures for an abolished agency. With the approval of the secretary of administration, alternative procedures to the layoff provisions specified in the regulations may be established by the director if an entire agency

is abolished. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2948; effective Dec. 27, 1993.)

1-14-12a. (Authorized by K.S.A. 75-3706, and K.S.A. 1996 Supp. 75-4370, 75-4371 and 75-4377; implementing K.S.A. 1996 Supp. 75-4370, 75-4371, 75-4372, 75-4373, 75-4374, 75-4375 and 75-4376; effective, T-1-11-21-96, Nov. 21, 1996; effective Feb. 21, 1997; revoked June 7, 2002.)

Article 15.—DISCRIMINATION

1-15-1 and 1-15-2. (Authorized by K.S.A. 75-2939, K.S.A. 1975 Supp. 75-2929, 75-2940, 75-2949, 75-3706, 75-3746; effective, E-74-41, Aug. 16, 1974; effective, E-76-17, March 27, 1975; effective May 1, 1976; revoked May 1, 1979.)

Article 16.—TRAVEL REIMBURSEMENT

1-16-1. Personal funds to be supplied.

Except as otherwise provided in K.A.R. 1-16-1a, employees shall provide themselves with sufficient funds for all current expenses. Blanket advances from the state treasury or other special funds to cover the prospective expenses of travel are not allowed except as authorized by K.S.A. 75-3072. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; amended May 1, 1979.)

1-16-1a. Travel; advance from imprest fund. In exceptional circumstances and in hardship cases, an agency head may authorize travel subsistence advances through the authorized imprest funds and the proper disbursing official to an employee entitled to subsistence of mileage allowances under these regulations, a sum considered advisable with regard to the character and probable duration of the travel expenses is recoverable from the employee or the employee's estate by: (a) setoff against accrued pay, or other amount due the employee; and

(b) such other methods as provided by law. (Authorized by K.S.A. 75-3207; effective May 1, 1979.)

1-16-1b. Advisory personnel; subsistence and mileage payment. For purposes of payment of subsistence, transportation, mileage and other allowances for official travel, an employee shall include an individual employed intermittently by or under an agency as an advisor or advisory committee member, irrespective of whether compensation is paid to such individual

or the amount thereof. (Authorized by K.S.A. 1979 Supp. 75-3207; effective May 1, 1979; amended May 1, 1980.)

1-16-2. Official station; expense-related matters. (a) Office employee. The official station of an officer or employee assigned to an office shall be the city or town where such office is located. Transportation costs between the employee's domicile and the office and subsistence within the limits of an employee's official station shall not be reimbursable.

(b) Field employees. The official station of each field employee shall be designated by the administrative head of the state agency. Subsistence within the limits of the employee's official station or domicile shall not be allowed. No transportation costs shall be allowed between any such employee's place of residence and the office to which such employee is assigned.

(2) Nonreimbursable travel. When additional expense is incurred by reason of an employee residing in a city or town other than the official station, or additional expense is otherwise caused by an employee's choice of residence, such an expense is not reimbursable except as provided in K.A.R. 1-16-2a. (Authorized by and implementing K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993.)

1-16-2a. Relocation assistance. (a) The provisions of this regulation shall apply only to employees who are transferred to a new official station that is more than 25 miles from the old station and to new employees who are recruited under the provisions of 1997 SB 104, § 1. However, no subsistence allowance shall be paid under this regulation for expenses incurred within 30 miles of the official station at the time of travel.

(b) For purposes of searching for a new residence, in the 30-day period preceding an employee's transfer or the employee's original appointment date, the employee may be allowed subsistence reimbursement for not more than 15 calendar days at the current prevailing subsistence rates and private car mileage reimbursement for not more than one round trip from the employee's domicile.

(c) To the extent considered necessary and appropriate by the appointing agency head, the agency may pay all or part of the following relocation expenses:

(1) Subsistence expenses for the employee while en route between the old and new official station or, for an employee recruited under 1997 SB 104, § 1, while en route between the old domicile and new domicile; and

(2) a mileage allowance at the rate provided to reimburse state employees for the use of a privately owned conveyance for transporting the employee's immediate family from the old domicile to the new official station. However, such expenses may be allowed for only one one-way trip in connection with each change of official station and domicile of the employee, and for transfers, only in cases in which the new station is over 25 miles from the old station.

(d) On and after the date of the employee's transfer or original appointment, subsistence expenses of the employee may be paid for a period of 30 days while the employee is occupying temporary quarters and trying to locate or waiting to enter a permanent residence. Subsistence expense payments to the employee may be extended for additional 30-day periods when deemed necessary by the agency head, with approval of the secretary of administration, while the employee's residence is in temporary quarters. (Authorized by and implementing K.S.A. 75-3203, 75-3207, and 1997 SB 104, § 1; effective May 1, 1979; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)

1-16-2b. Moving expenses. (a) The provisions of this regulation shall apply only when a permanent employee transfers within a state agency or from one agency to another for the convenience or benefit of the employing agency and the official station is more than 25 miles from the old official station, or when an employee has been recruited under the provisions of 1997 SB 104, § 1.

(b) The head of the employing agency may pay reasonable moving expenses to a commercial carrier or may reimburse the employee as authorized by this regulation, in an amount not to exceed the actual expenses.

(1) The employee may be reimbursed or a commercial carrier may be paid for the expenses of transporting, packing, crating, temporarily storing, draying, unpacking, and obtaining transit insurance for up to 12,000 pounds net weight of household goods and personal effects, excluding

any cost for disassembling yard toys, patio equipment, window air conditioners, and shelving.

(2) When an employee transports a house trailer or mobile dwelling for use as a residence and the employee otherwise would be entitled to transportation of household goods and personal effects under paragraph (1) of this subsection, the head of the employment agency may pay for the following expenses:

(A) A mileage allowance at the rate provided to reimburse state employees for the use of a privately owned conveyance, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is transported by the employee; or

(B) commercial transportation of the house trailer or mobile dwelling, at agency expense or through reimbursement to the employee, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is not transported by the employee. (Authorized by and implementing K.S.A. 75-3706 and 1997 SB 104, § 1; effective May 1, 1979; amended May 1, 1981; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)

1-16-2c. Non-reimbursable transfer expenses. When a transfer is made primarily for the convenience or benefit of the employee or at the employee's request, the expense of travel and transportation, expense of transporting, packing, crating, temporary storage, drayage, unpacking of household goods and personal effects, and transit insurance shall not be allowed or paid from agency funds. (Authorized by K.S.A. 75-3207; effective May 1, 1979.)

1-16-2d. (Authorized by and implementing K.S.A. 75-3207, 75-3219 and 75-3224; effective May 1, 1979; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993; revoked, T-1-7-1-97, July 1, 1997; revoked Aug. 8, 1997.)

1-16-2e. Bidding required. (a) Moving expenses that may be paid pursuant to K.A.R. 1-16-2b(a) shall not exceed the total cost of moving a comparable household of 12,000 pounds of household furnishings and personal effects by commercial carrier at the tariff rates filed with and approved by the state corporation commission.

(b) Each employee who is eligible for moving expenses shall attempt to obtain three firm rate bids from commercial carriers and shall be re-

sponsible for selection of the lowest responsible carrier. Any contractual arrangement shall be between the state employee and the commercial carrier.

(c) The firm rate bid shall include costs of the following services:

- (1) transportation;
- (2) material and labor for packing and unpacking barrels, drums and cartons;
- (3) appliance service;
- (4) piano pick-up and delivery; and
- (5) transit insurance. (Authorized by and implementing 1997 SB 104, § 1; effective May 1, 1979; amended, T-85-46, Dec. 19, 1984; amended May 1, 1985; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)

1-16-2f. (Authorized by K.S.A. 75-3207; effective May 1, 1979; revoked, T-1-4-26-93, April 26, 1993; revoked July 12, 1993.)

1-16-2g. (Authorized by and implementing K.S.A. 75-3224; effective May 1, 1979; amended May 1, 1981; revoked, T-85-46, Dec. 19, 1984; revoked May 1, 1985.)

1-16-2h. (Authorized by K.S.A. 75-3207; effective May 1, 1979; revoked, T-85-46, Dec. 19, 1984; revoked May 1, 1985.)

1-16-2i. Self-move. Authorized costs for a self-move may be paid when deemed desirable by the agency head and may include: (a) rental costs, plus insurance, of a van or trailer; or

(b) private car mileage one (1) way for a personally owned conveyance at the mileage rate prescribed by K.A.R. 1-18-1a. When a move of this type is undertaken by an employee, the time required to complete the move is chargeable as normal working time. When the estimated time of move and costs appear unreasonable, a commercial carrier bid may be required to establish the allowable maximum cost. (Authorized by K.S.A. 75-3207; effective May 1, 1979.)

1-16-2j. Limitations, employee's responsibility. (a) An agency head may authorize combination mobile home and self moves. However, the cost of such a move shall not exceed the comparable cost for commercial carrier moves.

(b) Employees shall be responsible upon completion of commercial carrier moves to inspect their belongings, note damages on the shipper's bill of lading, and sign the bill of lading. (Authorized by and implementing K.S.A. 75-3224; effective May 1, 1979.)

tive May 1, 1979; amended, T-85-46, Dec. 19, 1984; amended May 1, 1985.)

1-16-2k. Sale of residence, expenses not allowed. Expenses of the sale of the employee's residence, losses on the sale of an employee's residence or the settlement of an employee's residence or the settlement of an unexpired lease by the employee at the old residence and the purchase of a home at the new official station required to be paid by the employee shall not be allowable expenses of the agency. (Authorized by and implementing K.S.A. 75-3207, 75-3219 and 75-3224; effective May 1, 1979; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993.)

1-16-2l. Separation from service. A former employee separated by reason of reduction in force or transfer of function who within one (1) year after separation is re-employed by a nontemporary appointment at a different geographical location from that which separation occurred, may be allowed and paid authorized expenses in the same manner and to the same extent as though the employee had been transferred in the interest of the state agency without a break in service to the location of re-employment from the location where separated. (Authorized by K.S.A. 75-3207; effective May 1, 1979.)

1-16-3. Official station; three months. If an employee has been continuously stationed at one place for three months, or travels to a place of work where more than one-half of the work time is spent for three or more months, that place shall be immediately designated as the official station and no further allowance shall be made for subsistence expenses incurred there. Upon written application to and approval of the secretary of administration, a maximum of two extensions may be requested and approved. Each extension shall not exceed three months but in no event shall the total duration of such extensions exceed six additional months. (Authorized by and implementing K.S.A. 75-3207 and 75-3207a; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended, T-87-17, July 1, 1986; amended May 1, 1987.)

1-16-3a. Incapacitated employee on intrastate travel; subsistence and transportation. An employee who, while traveling on official intrastate business and away from the employee's designated official station or domicile, becomes incapacitated by illness or injury not due to the

employee's misconduct, is entitled at the discretion of the agency head to subsistence allowance for a period not to exceed five (5) workdays and appropriate mileage reimbursement for returning the employee's privately owned conveyance to the employee's designated official station or domicile as the case may be. (Authorized by K.S.A. 75-3207; effective May 1, 1979.)

1-16-3b. Incapacitated employee on interstate travel; subsistence and transportation. An employee who, while traveling on official interstate business away from the employee's designated official station or domicile, becomes incapacitated by illness or injury not due to the employee's misconduct, is entitled at the discretion of the agency head to subsistence allowance for a period not to exceed five (5) workdays and appropriate transportation expenses to the employee's designated official station or domicile as the case may be. (Authorized by K.S.A. 75-3207; effective May 1, 1979.)

1-16-3c. Official station; employee residing outside the designated official station. When an employee residing in an area other than the city designated as the employee's official station, travels on official state business from his or her residence to a destination which is outside the city designated as the employee's official station, the employee shall be paid either mileage between the official station and the destination, or mileage between the employee's residence and the destination, whichever is lesser. In returning to the employee's residence from the last point where official state business was conducted, the employee shall be paid mileage from that point to either his or her official station or his or her residence, whichever is lesser. For purposes of determining the time of departure from or arrival at the employee's residence for computing subsistence allowances, an adjustment to the actual time at which the employee commenced travel or at which travel terminated shall be made by dividing the unreimbursed mileage traveled by forty-five (45) miles per hour. The result shall be added to the time of actual departure from, or subtracted from the time of actual arrival at the employee's residence, to determine the allowable time to be used for computing the subsistence allowance. (Authorized by and implementing K.S.A. 1980 Supp. 75-3203, 75-3207; effective May 1, 1981.)

1-16-4. Date and hour of departure and

return. When an employee is granted leave of absence while on official travel (including Saturdays, Sundays and holidays), the date and hour of departure from and the return to field duty station or official station shall be shown on the travel voucher-general expense (DA-121) for proper determination of allowable expenses. (Authorized by K.S.A. 1965 Supp. 75-3207; effective Jan. 1, 1966.)

1-16-5. After leave of absence. Subsistence shall be allowed after leave of absence from the time of return to field duty station until travel assignment is completed by return to official station or, in the event of transfer to a new official station, until arrival at such new station. (Authorized by K.S.A. 1965 Supp. 75-3207; effective Jan. 1, 1966.)

1-16-6. Railroad accommodations. When employees travel by railroad, first-class day coach seating accommodations may be authorized. No railroad sleeping accommodations will be reimbursed inasmuch as K.S.A. 1968 Supp. 75-3207 as amended provides for payment on a quarter-day basis of a subsistence allowance which includes charges for lodging expenses. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970.)

1-16-7. Airline travel accommodations. When the administrative head of the agency determines that airline travel is the most economical or advantageous to the state, the use of airline travel may be authorized. The most economical mode of airline travel is considered to be tourist or economy class. If tourist or economy class accommodations are not available, a statement from the airline or travel agency must be submitted on or with the voucher. (Authorized by K.S.A. 1965 Supp. 75-3207; effective Jan. 1, 1966.)

1-16-8. Use of privately-owned or operated conveyance, limitations; reimbursement for transportation and subsistence expenses. (a) In-state. Where use of a privately-owned or operated conveyance on official state business is authorized by the administrative head of the agency, reimbursement shall be on a mileage basis at the rate specified, and under the limitations prescribed by K.A.R. 1-18-1a. Mileage shall be calculated in accordance with K.A.R. 1-17-11 except that storage or parking charges for a privately-owned conveyance at any commercial transportation terminal, while the traveler is on an

extended trip, and turnpike tolls, may be allowed in addition to this mileage allowance.

(b) Out-of-state. Where the use of a privately-owned or operated conveyance on official state business is authorized by the administrative head of the agency instead of common carrier, the traveler shall be allowed private conveyance mileage as prescribed by K.A.R. 1-18-1a to the destination, turnpike tolls, and parking charges, or an amount equal to economy class air fare to the air terminal nearest the destination, whichever is lesser. Out-of-state subsistence allowance shall be allowed only for the number of quarter days which would have been necessary had the traveler used the fastest public transportation available to the destination instead of a private conveyance. No taxi or terminal expenses shall be allowed at the destination. Air terminal shall be defined as the principal terminal in that general geographic area. If two or more travelers on official business travel in one privately-owned conveyance instead of common carrier, the use of one conveyance may be authorized on a mileage basis. In such cases, the subsistence allowed shall be for the number of days it would take by car via the usually traveled route to the point of destination as provided in K.A.R. 1-17-11. Upon written, prior approval of the agency head, exceptions to this subsection may be granted in unusual circumstances when deemed to be in the best interest of the state.

(c) Nothing in this regulation shall apply to any person to which K.S.A. 75-3212 and K.S.A. 75-3216 apply. (Authorized by and implementing K.S.A. 75-3207; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1981; amended April 30, 1990.)

1-16-9 and 1-16-10 (Authorized by K.S.A. 1974 Supp. 75-3207; effective Jan. 1, 1966; revoked, E-74-4, Nov. 2, 1973; revoked May 1, 1975.)

1-16-11. Taxicabs. Taxicab charges shall be allowed, except when limousine services are available between any of the following points: Only from regular domicile or place of business to station or other terminal; from station or terminal at origin or destination of trip to hotel, domicile or place of business; or between bus, rail or plane stations or terminals or other points of official duty. Taxicab charges from a hotel to a restaurant or from a restaurant to a hotel are not reimbursable. (Authorized by K.S.A. 1965 Supp. 75-3207; effective Jan. 1, 1966.)

1-16-12. Home—travel from and to. Actual taxi or common carrier fares shall be allowed for transportation directly from home of traveler to railroad, bus or airport terminals at the beginning of official travel status and for transportation directly from railroad, bus or airport terminals to home of traveler at conclusion of official travel status. (Authorized by K.S.A. 1965 Supp. 75-3207; effective Jan. 1, 1966.)

1-16-13. Rental or charter of special conveyances. The rental or charter of aircraft, automobiles, boats, busses or other special conveyances shall be held to a minimum but may be authorized in those cases when no public or ordinary means of transportation are available, or when such public or ordinary means of transportation cannot be used advantageously in the best interests of the state. Specific justification shall accompany the voucher in each instance where the use of a special conveyance is authorized. Mere convenience for the traveler is not justification for the rental or charter of a special conveyance.

When public or ordinary means of transportation were not available, the justification for the use of a special conveyance shall show the location where travel by special conveyance commenced and the points visited. The justification shall also state that public or ordinary means of transportation were not available.

When public or ordinary means of transportation are available but cannot be used advantageously in the best interest of the state, the justification for the use of a special conveyance shall show the location where travel by special conveyance commenced and the points visited. The director of accounts and reports may require comparison of the cost of public or ordinary means of transportation to the cost of the special conveyance. Other factors should also be included in the justification when applicable. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; amended May 1, 1979.)

1-16-14. No allowance for subsistence furnished by public agency. No allowance for subsistence shall be claimed where meals or lodging are furnished without cost to the traveler by any agency supported by public funds. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970.)

1-16-15. Reduced allowances. (a) Except

as provided in subsection (d) of K.A.R. 1-16-18, an agency that desires to pay a reduced meals allowance or lodging expense shall obtain the prior approval of the secretary of administration. Agencies desiring to obtain this approval shall submit a request therefor on a form which may be obtained from the division of accounts and reports.

(b) The following instances of reduced allowances have been approved by the secretary of administration and the use of the approval form shall not be necessary:

(1) If an agency is not requiring the employee to undertake the travel in question and the agency desires to not pay subsistence, or desires to pay a specified reduced rate, and this is stated to the employee in advance of the travel, the agency may handle subsistence payments as stated to the employee.

(2) If the cost of meals is included within the cost of a registration fee or other fees and charges paid by the agency, an agency shall pay the applicable reduced subsistence allowance set forth in subsection (d) of K.A.R. 1-16-18 and any amendments to it.

(3) If both meals and lodging will be provided at no cost to the traveling employee, an agency is authorized to not pay any subsistence for this travel.

(4) If the traveling employee requests a specified reduced subsistence amount, the requested amount may be paid.

(c) Requests for approval of reduced subsistence allowances shall be based on reducing quarter-day meal allowances and lodging expenses in multiples of a half dollar, and this reduced subsistence shall in all other respects be paid in accordance with regulations and accounting procedures.

(d) This regulation shall take effect on and after October 1, 1988. (Authorized by and implementing K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988.)

1-16-16 and 1-16-17. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; revoked, E-69-18, Aug. 14, 1969; revoked Jan. 1, 1970.)

1-16-18. Subsistence allowance. (a) General provisions. Except as otherwise specifically provided by law, subsistence allowances for in-

state and out-of-state travel shall be paid on the basis of a meals allowance and the actual cost of lodging expenses incurred, within the limits set forth in this regulation.

(1) Meals allowance rates, including quarter-day and per-meal allowances, and lodging reimbursement limitation rates established in accordance with K.S.A. 75-3207a, and amendments thereto, shall be published in informational circulars of the division of accounts and reports. Rates shall be established for the following geographic areas or categories of travel:

(A) Travel to in-state destinations, exclusive of designated in-state, high-cost geographic areas;

(B) travel to in-state, designated high-cost geographic areas;

(C) travel to out-of-state destinations, exclusive of designated out-of-state, high-cost geographic areas;

(D) travel to out-of-state, designated high-cost geographic areas;

(E) travel to out-of-state, special designated high-cost geographic areas;

(F) international travel. As used in this regulation, "international travel" means travel outside the 50 states and the District of Columbia;

(G) travel involving conference lodging that qualifies under K.A.R. 1-16-18a(e); and

(H) other categories as the secretary of administration deems appropriate.

(2) Subject to the approval of the secretary of administration, any city in a state bordering or near Kansas may be designated as a "border city" by the director of accounts and reports. For travel by state personnel to a border city, all meals allowances and lodging expense limitations shall be applied at the appropriate in-state rate established in accordance with K.S.A. 75-3207a, and amendments thereto.

(b) Meals allowance; general provisions. Except as provided in subsection (c), the subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate quarter-day meal allowance rate established in accordance with K.S.A. 75-3207a, and amendments thereto, for any fraction of a quarter-day in which the official travel begins and for each full quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day meal allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile.

(c) Meals allowance; exceptions.

(1) An exception to the quarter-day meal allowance for international travel may be made at the option of the agency head or the agency head's designee by claiming actual expenses, subject to any daily limitation established in accordance with K.S.A. 75-3207a, and amendments thereto.

(2) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or is supplied without cost by another party, the quarter-day meal allowance shall be reduced by the appropriate per-meal allowance established in accordance with K.S.A. 75-3207a, and amendments thereto.

(3)(A) Except as prohibited by paragraph (c)(3)(B), the agency head or the agency head's designee may authorize any employee who does not incur lodging expenses to be reimbursed for one meal on any day on which either of the following circumstances occurs:

(i) The employee is required to travel on official state business, and the employee's workday, including travel time, is extended three hours or more beyond the employee's regularly scheduled workday.

(ii) The employee is required to attend a conference or a meeting as an official guest or participant, and a meal is served during the required attendance time.

(B) No meals shall be reimbursed if the point at which the official business is conducted is within 30 miles of the employee's official station or if a meal is provided at no cost to the employee.

(C) Each request for reimbursement of a meal under paragraph (c)(3) shall identify the date, purpose, destination, and time of the travel, conference, or meeting, and the meal requested for reimbursement.

(D) Each employee who receives reimbursement for a meal under paragraph (c)(3) shall be paid at the applicable per-meal allowance rate established in accordance with K.S.A. 75-3207a, and amendments thereto. No quarter-day meal allowance shall be paid without incurring lodging expenses.

(d) Lodging expense limitations; general provisions.

(1) Reimbursement for lodging, or direct payment of lodging expenses to the lodging establishment, shall be made on the basis of actual, single-rate lodging expenses incurred and shall be supported by the original official receipt of the lodging place or other suitable documentation. Subject to applicable lodging expense limitations

established in accordance with K.S.A. 75-3207a and amendments thereto, reimbursement for lodging expenses, or direct payment of lodging expenses to the lodging establishment, shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(2) Taxes associated with lodging expenses shall not be included in the applicable lodging expense limitation rates established in accordance with K.S.A. 75-3207a, and amendments thereto, and shall be paid as an additional reimbursement.

(e) Lodging expense limitations; exception. Specific exceptions to the applicable dollar limitation on lodging expenses may be made as provided in K.S.A. 75-3207a, and amendments thereto. (Authorized by and implementing K.S.A. 75-3207, as amended L. 2001, Ch. 109, Sec. 4 and 75-3207a, as amended by L. 2001, Ch. 109, Sec. 5; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-8-14-90, May 1, 1990; amended Oct. 8, 1990; amended, T-1-9-26-91, Oct. 1, 1991; amended Nov. 18, 1991; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended, T-1-6-28-95, July 1, 1995; amended Oct. 27, 1995; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended July 1, 1999; amended Feb. 15, 2002.)

1-16-18a. Designated high-cost geographic areas. (a) For official travel to and from, or within, any designated high-cost geographic area identified in subsection (c) in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high-cost geographic area may be paid. However, reimbursement on this basis shall not be allowable when the area is only an intermediate stopover at which no official duty is performed, or when the subsistence expenses incurred relate to relocation, to travel to seek residence quarters, or to travel to report to a new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in designated high-cost geographic areas shall be at the prescribed designated high-cost geographic area rate,

unless the agency establishes a reduced rate as provided in K.A.R. 1-16-15. When an out-of-state trip is to two or more destination cities, and when one of these cities is a designated high-cost geographic area, the subsistence allowance rate shall change from the designated high-cost geographic area rate to the regular rate, or from the regular rate to the designated high-cost geographic area rate, subject to and on application of the appropriate quarter-day allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high-cost geographic areas shall include all locations within the corporate limits of the cities listed, unless otherwise specified. The designated high-cost geographic areas shall be as follows:

(1) In-state, designated high-cost geographic areas:

(A) Kansas City, including all locations within Johnson and Wyandotte Counties;

(B) Manhattan, including all locations within Riley County;

(C) Topeka, including all locations within Shawnee County; and

(D) Wichita, including all locations within Sedgwick County;

(2) Out-of-state, designated high-cost geographic areas:

(A) Afton, Oklahoma, including Shangri-La Resort;

(B) Anchorage, Alaska;

(C) Aspen, Colorado, including all locations within Pitkin County;

(D) Atlanta, Georgia;

(E) Atlantic City, New Jersey, including all locations within Atlantic County;

(F) Austin, Texas;

(G) Avon and Beaver Creek, Colorado;

(H) Baltimore, Maryland;

(I) Barrow, Alaska;

(J) Boca Raton, Florida;

(K) Boston, Massachusetts, including all locations within Suffolk County;

(L) Cambridge, Massachusetts;

(M) Carmel, California;

(N) Chicago, Illinois, including all locations within Du Page, Lake, and Cook Counties;

(O) Cleveland, Ohio;

(P) Dallas/Fort Worth, Texas;

(Q) Denver, Colorado;

(R) Edison, New Jersey, including all locations within Middlesex County;

(S) Fairbanks, Alaska;

- (T) Fort Myers and Sanibel Island, Florida, including all locations within Lee County;
- (U) Hershey, Pennsylvania;
- (V) Hilton Head Island, South Carolina, including all locations within Beaufort County;
- (W) Honolulu, Oahu, Hawaii, including all locations on the Island of Oahu;
- (X) Houston, Texas;
- (Y) Indianapolis, Indiana;
- (Z) Juneau, Alaska;
- (AA) Kaanapali Beach, Maui, Hawaii;
- (BB) Kailau-Kona, Hawaii;
- (CC) Kaunakakai, Molokai, Hawaii;
- (DD) Keystone, Colorado, including all locations within Summitt County;
- (EE) King of Prussia, Pennsylvania;
- (FF) Kodiak, Alaska;
- (GG) Lake Buena Vista, Florida;
- (HH) Los Angeles, California, including all locations within Los Angeles, Kern, Orange, and Ventura Counties;
- (II) Miami, Florida;
- (JJ) Minneapolis and St. Paul, Minnesota, including all locations within Hennepin, Ramsey, and Anoka Counties;
- (KK) Monterey, California, including all locations within Monterey County;
- (LL) Nashville, Tennessee;
- (MM) Newark, New Jersey, including all locations within Bergen, Essex, Hudson, Passaic, and Union Counties;
- (NN) New Orleans, Louisiana, including all locations within Jefferson, Orleans, Plaquemines, and St. Bernard Parishes;
- (OO) Newport, Rhode Island, including all locations within Newport County;
- (PP) Nome, Alaska;
- (QQ) Oakland, California, including all locations within Alameda, Contra Costa, and Marin Counties;
- (RR) Ocean City, Maryland, including all locations within Worcester County;
- (SS) Philadelphia, Pennsylvania, including all locations within Montgomery and Philadelphia Counties;
- (TT) Phoenix, Arizona;
- (UU) Pittsburgh, Pennsylvania;
- (VV) Portland, Oregon;
- (WW) Princeton, New Jersey, including all locations within Mercer County;
- (XX) Salt Lake City, Utah;
- (YY) San Antonio, Texas;
- (ZZ) San Diego, California, including all locations within San Diego County;
- (AAA) San Francisco, California, including all locations within San Francisco County;
- (BBB) San Mateo, California, including all locations within San Mateo County;
- (CCC) Santa Barbara, California, including all locations within Santa Barbara County;
- (DDD) Santa Cruz, California, including all locations within Santa Cruz County;
- (EEE) Seattle, Washington, including all locations within King County;
- (FFF) South Padre Island, Texas;
- (GGG) Stamford, Connecticut;
- (HHH) St. Louis, Missouri;
- (III) Sun Valley, Idaho, including all locations within Blaine County;
- (JJJ) Tampa, Florida;
- (KKK) Tom's River, New Jersey, including all locations within Ocean County;
- (LLL) Tucson, Arizona;
- (MMM) Vail, Colorado, including all locations within Eagle County;
- (NNN) Wailea, Maui, Hawaii;
- (OOO) White Plains, New York, including all locations within Westchester County; and
- (PPP) all areas approved as designated high-cost geographic areas pursuant to subsection (d); and
- (3) Out-of-state, special designated high-cost geographic areas:
 - (A) Washington, D.C., including the cities of Alexandria, Fairfax, and Falls Church; the counties of Arlington, Fairfax and Loudoun in Virginia; and the counties of Montgomery and Prince Georges in Maryland; and
 - (B) New York, New York, including all locations within the counties of Nassau and Suffolk.
- (d) State agencies may request the director of accounts and reports to conduct a study of subsistence costs in any area not identified as a designated high-cost geographic area in subsection (c). If the study findings of an area justify this action, the director of accounts and reports may recommend to the secretary of administration that the area be added to the list of designated high-cost geographic areas. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate for designated high-cost geographic areas.
- (e)(1) If an employee is required or authorized to attend a conference, the agency head or the agency head's designee may approve reimburse-

ment or direct payment of actual lodging expenses. Before the date of travel, the employee shall submit to the agency head or the agency head's designee conference materials indicating that the conference will be held at or in connection with a lodging establishment with rates exceeding both the applicable lodging expense limitation established under K.A.R. 1-16-18 and the exception provided in K.S.A. 75-3207a(e), and amendments thereto.

(2) The reimbursement or direct payment of actual lodging expenses shall be effective for the approved conference and for official state business related to the conference and shall be applicable only to the state employee attending the conference.

(3) For purposes of this subsection, the term "conference" means any seminar, association meeting, clinic, colloquium, convention, symposium, or similar gathering that is attended by a state employee in pursuit of a goal, obligation, function, or duty imposed upon a state agency or performed on behalf of a state agency.

(f) This regulation shall take effect on and after July 1, 1999. (Authorized by and implementing K.S.A. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended April 1, 1996; amended July 1, 1998; amended July 1, 1999.)

1-16-18b. Sharing of lodging or travel expense reimbursement. State employees or officials who are eligible to receive reimbursement for lodging expenses incurred in connection with in-state travel shall not be required to share lodging accommodations with other state employees. (Authorized by and implementing K.S.A. 75-3207; effective, T-87-26, Oct. 1, 1986; amended May 1, 1987.)

1-16-19. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; revoked, E-69-18, Aug. 14, 1969; revoked Jan. 1, 1970.)

1-16-20. Miscellaneous expense definition. Miscellaneous expenses are those deemed necessary in the conduct of the official business

of the state which are not included in the categories of subsistence allowance, mileage or fares in lieu of mileage and state-owned vehicle operation. All miscellaneous expenses shall be claimed under the column head "miscellaneous nonsubsistence expense" on the travel voucher—general expense (DA-121) and shall include items listed under subsections (b) through (g) in this section.

(a) Receipts. A receipt evidencing a payment shall be obtained for each and every transaction involving miscellaneous expenditures except taxi fares, telephone calls, telegrams, and intracity streetcar, bus fares and limousine service.

(b) Baggage. Charges for baggage in excess of the weight or of the size carried free by transportation companies shall be allowed if such excess baggage is used for official business. Charges for the storage of baggage may also be allowed if it is shown that such storage was on account of official business. Specific justification must be submitted with the claim voucher.

(c) Telephone and telegraph messages. Expenses for official telephone and telegraph messages which must be paid for by the traveler shall be allowed. Toll and local calls and telegrams should be supported on a separate sheet of paper attached to the travel voucher—general expense (DA-121) showing date, city or town called or telegraphed, name of person or firm called or to where the telegram was sent, and amount of each call or telegram.

(d) Stenographic or typewriting services. Charges for official stenographic or typewriting services will be allowed while on official travel.

(e) Purchase of supplies. The purchase of stationery and all other similar supplies shall be allowed in emergencies warranting their use for handling of official business while on official travel.

(f) Transportation by common carrier or special conveyance. The cost of common or special conveyance transportation tickets (purchased tax free) shall be considered a miscellaneous expense.

(g) Taxicabs. Proper taxicab charges shall be claimed for reimbursement as miscellaneous expenses. Both points of origin and destination for each such fare should be shown on travel voucher—general expense (DA-121); see regulation 1-16-11 for limitation on taxicab use. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970.)

1-16-21. Registration fees. The payment of registration fees which are required as admittance or attendance fees for participation in meetings shall be allowed. (a) Advance payment of registration fees shall be made upon application when supported by an announcement of the meeting indicating the cost of such registration fees.

(b) Reimbursement of registration fees shall be made when such request is supported by the official receipt of the meeting, when available, or upon declaration of the employee that he or she attended the meeting and paid the registration fee.

(c) Expenditures for the payment of registration fees for obtaining the privileges of membership or other personal benefits from an organization are not reimbursable. Memberships in organizations must be in the name of the state agency. (Authorized by K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1978.)

1-16-22. Subsistence and lodging expenses; students, inmates, prisoners and patients. When the employee finds it necessary to expend funds for meals or lodgings of students, inmates, prisoners or patients while on official travel, a claim for those expenses shall be made on a reimbursement basis supported by receipts or by the appropriate subsistence rate. The amount reimbursable for students shall not exceed the established limitations for state officials or employees. (Authorized by and implementing K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended July 12, 1993.)

1-16-23 to 1-16-27. (Authorized by K.S.A. 1974 Supp. 75-3207; effective Jan. 1, 1966; revoked, E-74-4, Nov. 2, 1973; revoked May 1, 1975.)

Article 17.—USE OF STATE-OWNED OR -OPERATED MOTOR VEHICLES ON OFFICIAL STATE BUSINESS

1-17-1. Use of state-owned or operated motor vehicles on official state business; applicability; definitions. (a) The rules and regulations in this article shall apply, except as may be expressly indicated, to the use, charges for use, or reimbursement for use, of all motor vehicles owned, leased or operated by an agency, officer,

or employee of the state when on official state business.

(b) For the purpose of these rules and regulations, the following terms shall have the meanings described.

(1) “State-owned or operated motor vehicles” means all motor vehicles, including privately-owned motor vehicles, authorized for use on official state business.

(2) “State-owned or leased motor vehicles” means only those motor vehicles owned or directly leased by the state or its agencies and specifically excludes privately-owned motor vehicles.

(3) “Official state business” means the pursuit of a goal, obligation, function, or duty imposed upon a state agency or performed on behalf of a state agency.

(4) “Secretary” means the secretary of administration.

(5) “Motor pool” means the central motor pool or any branch thereof established pursuant to K.S.A. 75-4602 *et seq.* and any amendments thereto. (Authorized by K.S.A. 75-4608; implementing K.S.A. 75-4604; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended Nov. 18, 1991.)

1-17-2. Same; use of state-owned or leased motor vehicles. (a) State-owned or leased motor vehicles shall only be used for official state business and shall only be operated by a person who has a valid driver’s license and who is:

(1) an officer or employee of the state of Kansas; or

(2) any other person who has been approved by the secretary or the secretary’s designee to operate a state-owned or leased motor vehicle while engaged in official state business.

(b) Only employees of the state or a person or persons reasonably engaged in and accompanying a state employee or other person approved under subsection (a) on official state business shall be allowed to ride in a state-owned or leased motor vehicle. (Authorized by and implementing K.S.A. 75-4608; effective, E-74-4, Nov. 2, 1973; effective, E-76-17, March 27, 1975; effective May 1, 1975; amended May 1, 1976; amended Nov. 18, 1991.)

1-17-2a. State-owned or leased vehicles; travel from employee’s residence to his or her official work station. (a) (1) State-owned or leased motor vehicles shall not be used to commute between the employee’s residence and the employee’s official work station, except:

(A) when parking the vehicle at the official work station overnight subjects the vehicle to a high risk of vandalism;

(B) when the vehicle is used by an official or employee who is regularly called to duty after normal work hours in connection with law enforcement activities or dealing with emergencies which result from an act of God; or

(C) for trip vehicles assigned to the traveler, on the evening of the work day immediately preceding the date of travel or the evening of the work-day in which travel is completed.

(2) When the state-owned or leased motor vehicle is authorized to be used for travel to an employee's place of residence under paragraphs (1)(A) and (1)(B), the "reasonable distance" one-way between the employee's official work station and residence shall not exceed 10 miles unless the 10-mile limitation is specifically exempted by the secretary or the secretary's designee. For trip vehicles assigned to a traveler under paragraph (1)(C), "reasonable distance" shall be based on a determination that driving the vehicle home will not increase the total one-way trip mileage between the official work station and the destination by more than 10 miles.

(b) This regulation shall not apply to:

(1) an employee whose residence has been designated as the official work station because over 50% of the employee's work time involves direct travel from his or her residence; or

(2) state-owned or leased motor vehicles acquired or assigned for use in the state vanpool program. (Authorized by and implementing K.S.A. 75-4608; effective May 1, 1981; amended, T-87-17, July 1, 1986; amended May 1, 1987, amended Nov. 18, 1991.)

1-17-3. Same; use of state-owned or operated motor vehicles; responsibility of operator. The operator of a state-owned or operated motor vehicle shall be responsible for operating the vehicle in a safe and prudent manner and in accordance with all applicable county, township, city ordinances and state laws pertaining to the operation of motor vehicles. Any fines or penalties arising from the operation of a state-owned or operated motor vehicle in an unlawful manner shall be and are the responsibility and obligation of the operator. (Authorized by K.S.A. 1974 Supp. 75-3706, 75-4608; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975.)

1-17-4. Same; use of state-owned or op-

erated motor vehicles; compliance with regulations; condition precedent. Compliance with the provisions of these rules and regulations shall be a condition precedent to the right to operate or continue to operate a state-owned or operated motor vehicle on official state business or to be reimbursed for any expense that may, by law, or hereinafter in these rules and regulations, be allowed. (Authorized by K.S.A. 1974 Supp. 75-3706, 75-4608; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975.)

1-17-5. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1984.)

1-17-5a. Permanently-assigned vehicles. (a) Any agency desiring to have a permanently-assigned motor pool vehicle may apply to the director of the central motor pool. The director shall approve the assignment if:

(1) the vehicle is driven no less than 18,000 miles per year when the driver or agency is located in Topeka and Shawnee County;

(2) the vehicle is driven no less than 15,000 miles per year when the driver or agency is located outside Topeka and Shawnee County;

(3) the employee to whom the vehicle is to be permanently assigned is required by the employee's official duties to travel at least 50% of the time;

(4) the vehicle is required for special service and equipped with two-way radio or other apparatus rendering the vehicle unusable for normal travel; or

(5) the vehicle is used for a special purpose, such as hauling special tools or equipment, transporting handicapped people or other special needs.

(b) If special equipment must be added to a central motor pool vehicle, the agency to whom the vehicle is assigned shall be responsible for the expense of installing that equipment.

(c) Upon exchange or retirement of any permanently-assigned vehicle, the agency shall remove any special equipment placed on or in the vehicle and repair all holes or other damage before return to central motor pool. (Authorized by K.S.A. 75-4608; implementing K.S.A. 75-4604; effective May 1, 1984.)

1-17-6. Requests for state-owned or leased motor vehicles on a daily or trip basis.

Requests for motor pool vehicles shall be made of the motor pool's administrative officer by the requesting operator submitting a requisition form to the motor pool at the time the vehicle is needed, or as the secretary may otherwise allow. The following information shall be required on the requisition form: (a) Name of driver and driver's license number;

- (b) Agency;
- (c) Date and hour the vehicle is needed;
- (d) Type of vehicle (sedan, station wagon, van, pickup, etc.); and
- (e) Destination and time of return.

If it is later determined that the vehicle is not needed, the motor pool shall be notified promptly. If the agency requesting the vehicles does not give prompt notice of cancellation, the motor pool may charge the minimum daily rate. A requisition form shall be completed by the agency and signed by the agency head or a designee. The form, in duplicate, shall be presented to the motor pool. One copy shall be retained by the operator as authority to use the vehicle. Upon completion of the trip, the vehicle shall be returned to the motor pool and the operator shall indicate operation of the vehicle and list defects, if any, on the requisition form. The form shall be completed by the motor pool. The operator shall take one (1) copy for the agency and one (1) copy will be used for billing.

Procedures for the assignment on a daily or trip basis of state-owned or leased motor vehicles not within the central motor pool or a branch thereof, shall be approved by the secretary. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-17-7. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; revoked May 1, 1979.)

1-17-7a. Agency responsibility for vehicles rented to the agency for official duties.

At the time of employment, personnel of the state whose duties require operation of motor vehicles shall qualify for operating motor vehicles by having and maintaining in effect a valid driver's license. Each agency shall be responsible for proper care and maintenance of each permanently assigned vehicle and for adherence to maintenance and service schedules established by the secretary. Any damage or loss to the rented or permanently assigned vehicle or loss of equipment and costs related thereto on the vehicle may

be chargeable to the agency to which the vehicle is rented or permanently assigned. Such recoveries of costs to repair damages or to replace losses of vehicle equipment, excluding ordinary wear and tear, is authorized and may be pursued from available funds of the agency to whom the vehicle is rented or permanently assigned. In the event a vehicle is completely destroyed, the amount of such loss shall be the undepreciated book value of the vehicle. (Authorized by K.S.A. 75-4608; implementing K.S.A. 75-4607; effective May 1, 1979; amended May 1, 1981.)

1-17-7b. Written accident reports required.

The following forms shall be completed and filed by the employee driver or someone designated by the employee's immediate supervisor: (a) Employee report of accident form shall be filed with the secretary or employee designated at the central motor pool.

(b) Accident investigating officer's report shall be filed with the secretary or employee designated at the central motor pool.

(c) Insurance company report form as required shall be submitted to the insurance company.

(d) Letter of the employee's immediate supervisor shall be submitted stating all facts obtained from the supervisor's investigation, and the supervisor's opinion concerning the accident. The letter report shall state the supervisor's recommendations concerning the establishment of negligence as it might apply to agency personnel.

(e) Copies of such reports and letters shall be filed in the individual employee's personnel files. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective May 1, 1979.)

1-17-7c. Accident repairs. Employees are prohibited from making personal payments for repairs to motor pool vehicles as a result of accidents. Regular state purchasing and accounting procedures shall apply for payment of vehicle accident repairs. In cases where the liability is with the other party involved, checks for settlement and repair costs by liable party or insurance company shall be remitted directly to the department of administration, central motor pool. Any agency employee involved shall initiate any claim against any other party involved and assist in the collection of payment for vehicle repairs or replacement, if liability is with the non-state party. Notice of problems or delays in repairs to damaged vehicles and date of payment to repair shop shall be furnished to the central motor pool. (Authorized

by K.S.A. 75-3706, 75-4601 *et seq.*; effective May 1, 1979.)

1-17-8. Same; use rates and charges for motor pool vehicles. Motor pool vehicle use rates will be charges based on the actual cost of operating the motor pool, including reasonable overhead costs, vehicle depreciation, public liability insurance, and all operating, servicing, repair and replacement costs of all state-owned or leased vehicles assigned to the motor pool. An agency shall reimburse the motor pool within thirty days of date of billing. The basis for billing on passenger cars and station wagons shall be on miles operated with a minimum of 50 miles per day or 1,000 miles per month. A standard schedule of rates shall be promulgated and furnished each agency. (Authorized by K.S.A. 1974 Supp. 75-4601 *et seq.* and 75-3706; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975.)

1-17-9. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1981.)

1-17-10. State-owned or leased motor vehicles; travel records. (a) Each state agency shall ensure that travel records are maintained for each state-owned or leased motor vehicle assigned to the agency.

(b) For daily and trip assignments, each operator shall maintain an accurate record of mileage for the vehicle on forms prescribed by the secretary. The beginning and ending mileage shall be shown. Each driver shall sign the form certifying the daily or trip mileage, list all expenditures incurred, and attach all receipts to the form at the time of returning the vehicle.

(c) For each permanently assigned vehicle, the operator shall maintain a daily log of mileage, use, and expenses incurred in the operation of the vehicle on forms prescribed by the secretary. Each agency head or a designee shall submit the daily logs for each central motor pool vehicle to the secretary or the secretary's designee not later than five working days following the end of each month.

(d) The head of any state agency may request that the secretary approve an exemption from some or all of the record-keeping requirements of this regulation for the entire agency or some of the agency's employees. Such an exemption may be approved upon a finding by the secretary that

the exemption is necessary or desirable in order to meet the reasonable operational needs of the agency. The exemption may be revoked by the secretary at any time. (Authorized by and implementing K.S.A. 75-4608; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1981; amended Nov. 22, 1996.)

1-17-11. State-owned or operated motor vehicles; verification of mileage; point of duty in interstate travel. For the purpose of computing mileage reimbursement, travel shall be deemed to be by way of the usually traveled, most direct route. Information and maps of the department of transportation shall be used in verifying mileage as reported or claimed by the traveler. Out-of-state mileage shall be based on mileage figures published by the American automobile association. In official interstate travel, the employee's hotel may be considered as a point of official duty. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-17-12. Supplies, service, maintenance, repair, and storage of state-owned or leased motor vehicles. Supplies for, service, maintenance, repair, and storage of state-owned or leased motor vehicles shall be performed or arranged for under the supervision of the secretary or a designee and pursuant to contracts for such supplies, service, maintenance, repair, and storage and the facilities therefor entered into by the director of purchases or the secretary pursuant to K.S.A. 75-4605. The cost of such supplies, services, maintenance, repair, storage, and the facilities therefor, for state-owned or leased motor vehicle in a motor pool shall be included as part of the mileage charge made to user agencies. For state-owned or leased motor vehicles not assigned to the motor pool, the actual cost of such supplies, services, maintenance, repair, and storage, shall be borne by the agency incurring the same. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-17-13. Expenses incurred in the operation of state-owned or leased motor vehicles. (a) While on official state business, any operator may purchase operating or maintenance items or services, including gasoline, oil, tire re-

pairs, and lubrication, for a state-owned or leased motor vehicle.

(b) (1) Except as authorized by the agency head, each operator shall purchase all gasoline for state-owned or leased vehicles from self-service gasoline pumps.

(2) If open-end contracts for discount purchase of gasoline, oil or services are entered into by the director of purchases, those contracts shall be used wherever possible.

(3) Except in emergencies, tires shall be purchased under any applicable contract established by the director of purchases for state vehicle tires.

(4) If a special credit card is issued to secure operating or maintenance items or services, the card shall be used whenever possible.

(c) Other expenses, including charges for ferries, bridges, parking or toll roads, if paid by the operator, shall be submitted for reimbursement as permitted and in the manner required by the rules and regulations governing travel expenses. (Authorized by K.S.A. 75-3706, 75-4608; implementing K.S.A. 75-4608; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended June 27, 1994.)

1-17-14. Repairs or purchases for central motor pool vehicles. Except as authorized by K.A.R. 1-17-15, no obligation for repairs or purchases in excess of \$75 shall be incurred without the prior approval of the central motor pool director. (Authorized by K.S.A. 75-3706, 75-4604; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1986.)

1-17-15. Emergency repairs or purchases for central motor pool vehicles. Repairs or purchases necessary to safely drive a central motor pool vehicle to the immediate destination may be reimbursed upon justification and approval by the director of the central motor pool. No obligation for repairs or purchases in excess of \$200 shall be incurred without the prior approval of the central motor pool director. (Authorized by K.S.A. 75-3706, 75-4604; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1986.)

1-17-16. Parking for and return of state-owned or leased motor vehicles. A state-owned or leased motor vehicle assigned on a trip or daily basis shall be returned to the proper motor pool as soon as the state business for which the vehicle

was used is completed. If use of the vehicle is required after motor pool hours, it shall be returned to the motor pool by 8:00 a.m. the following morning. Persons desiring to park their personal car while using a state car on a trip basis may leave their car in the space occupied by the state car. Any state car parked at a driver's domicile shall be kept in a garage or driveway, if available. No expense for parking a state-owned or leased motor vehicle at an employee's domicile shall be allowed or paid. Expenses for parking a motor vehicle at the employee's official station or at a duty post shall be reimbursed to the employee by the agency in accordance with established procedures governing reporting and claiming reimbursement for such travel expenses. On official travel, a state vehicle shall be kept in a hotel or motel parking lot, if available; however, parking on streets will be permitted when not in violation of a local ordinance. Any vehicle assigned to an individual or agency shall have parking fees, if required, at the official station, paid by that person or agency. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-17-17. State-owned or leased motor vehicles; towing charges. Towing charges resulting from failure of a motor pool vehicle shall be paid by the motor pool. When towing service is required within approximately twenty-five (25) miles of Topeka, the operator shall call the motor pool and request towing services; in all other instances, the driver shall call the nearest garage. Towing charges for other state-owned or leased motor vehicles shall be the responsibility of the agency to whom the motor vehicle is permanently assigned. Towing and service charges incurred through improper parking of the motor vehicle by the operator shall be charged to the operator. Towing due to driver negligence may be charged to the agency. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-17-18. State-owned or operated motor vehicles; accident reporting requirements. If an accident should occur involving any state-owned or operated motor vehicle, the accident should be immediately reported by the operator or some reliable person to the highway patrol or other law enforcement agency. Statements should not be made to anyone except law enforcement officers, or representatives of the state's in-

insurance company, or motor pool or agency officials. Information should be secured about the other party so a complete report can be made on the report form provided. In the event of an accident in which there are serious injuries or death, telephone collect the claim department of the state's insurance company, or the employing state agency. The employee's immediate supervisor shall be notified at once by an employee involved in an accident. If the employee is unable to notify the employee's supervisor, then the first employee having knowledge of the accident shall do so. In case of a severe accident, the employee involved or the employee's immediate supervisor shall immediately contact the secretary or employee designated at the motor pool office and report the accident. A complete written report of all accidents shall be made to the secretary or a designee within twenty-four (24) hours of details concerning each accident. It shall be the responsibility of the employee involved in an accident to protect state property from theft or further damage. If the employee is not able to do so, then the employee's immediate supervisor or first employee having knowledge of the accident shall do so. The location of any damaged vehicle shall be reported to the secretary or employee designated at the motor pool as soon as such information is available. Damaged vehicles shall be towed to state property to avoid storage charges. Other reports to the highway patrol, or other law enforcement officials, shall be made where required. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-17-19. State-owned or leased motor vehicles; signs, decals, and bumper stickers prohibited. No agency or operator shall permit any sign, decal, or bumper sticker to be affixed to or remain on any state-owned or leased motor vehicle unless it has been placed there under the written authority of the secretary. (Authorized by K.S.A. 75-3706, 75-4601 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

**Article 18.—MAXIMUM ALLOWANCE
FOR MILEAGE FOR USE OF A
PRIVATELY OWNED CONVEYANCE
FOR PUBLIC PURPOSES**

1-18-1. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3203; effective, E-74-18,

April 5, 1974; effective, E-76-5, Jan. 1, 1975; effective, E-76-17, March 27, 1975; effective May 1, 1976; revoked May 1, 1979.)

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately owned conveyance to engage in official business for an agency shall be entitled to reimbursement for the use of that conveyance at a rate established in accordance with K.S.A. 75-3203a, and amendments thereto. Notice of the mileage reimbursement rates established in accordance with K.S.A. 75-3203a, and amendments thereto, shall be published in an informational circular by the division of accounts and reports.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for the following expenses:

- (1) Parking fees when on an official trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately owned airplane, reimbursement may be made for one round trip in a privately owned automobile or for local transportation charged in travel under these conditions:

- (1) Between the official station or domicile and the airport in the city in which the official station or domicile is located; and
- (2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates established in accordance with K.S.A. 75-3203a, and amendments thereto, shall be as follows.

(1) If a mode of transportation is available and is less costly than transportation by privately owned conveyance, mileage payments for use of a privately owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than the rate established in accordance with K.S.A. 75-3203a, and amendments thereto, if an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(3) For employees of the state of Kansas only, any state employee choosing to use a privately owned automobile when a state-owned or state-leased vehicle, as defined by K.A.R. 1-17-1, is available for use shall be reimbursed at the central

motor pool rate for compact cars, except under either of the following conditions:

(A) The employee's agency head or the agency head's designee determines that the use of a state-owned or state-leased vehicle would be more expensive than the use of the employee's privately owned automobile.

(B) The employee has a disability that requires the use of a privately owned vehicle that is specially equipped. (Authorized by and implementing K.S.A. 75-3203, as amended by L. 2001, Ch. 109, Sec. 2, and 75-3203a, as amended by L. 2001, Ch. 109, Sec. 3; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended, T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991; amended July 12, 1993; amended, T-1-6-28-95, June 28, 1995; amended Aug. 4, 1995; amended, T-1-7-1-96, July 1, 1996; amended Oct. 18, 1996; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended, T-1-3-18-99, April 1, 1999; amended June 24, 1999; amended, T-1-7-7-00, July 15, 2000; amended Nov. 3, 2000; amended, T-1-7-2-01, July 2, 2001; amended Oct. 26, 2001.)

1-18-2. Applicability. The provisions of K.A.R. 1-18-1 shall not apply to the rate of mileage allowed pursuant to K.S.A. 1973 Supp. 75-4606 and in accordance with the rules and regulations adopted pursuant thereto. (Authorized by K.S.A. 1975 Supp. 75-3203, 75-3706, 75-4608; effective, E-74-18, April 5, 1974; effective, E-76-5, Jan. 1, 1975; effective, E-76-17, March 27, 1975; effective, May 1, 1976.)

Article 19.—HOUSING, FOOD SERVICE AND OTHER EMPLOYEE MAINTENANCE

1-19-1. Applicability. (a) This regulation is applicable to all housing, food service and other employee maintenance furnished by a state agency, and to all officers or employees who receive such housing, food service, or other em-

ployee maintenance as these terms are defined herein. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-2. Definitions. For purposes of this regulation, the following definitions will apply: (A) Housing—shall include all sleeping places, place of abode, rooms or residences, place of habitation, quarters or facilities owned or leased by the state and used by state employees and others for dwelling purposes.

(B) Food service—shall mean any article used as food or drink by a state officer or employee and furnished as raw substance to be prepared for use for human consumption, including meat, fish, eggs, vegetables, bread, condiments, ice cream, soft drinks, beverages, confections or as prepared meals provided by a food service business, an agency kitchen or dining facility, but excluding meal subsistence allowances paid to state officers or employees in travel status. Food service may be provided to qualified officers or employees in the following manner:

(1) By a cash allowance representing an adjustment to the salary for the position held in lieu of furnishing actual raw commodities, labor and other components necessary for providing a finished food service product.

(2) By allowing officers or employees access to agency dining facilities which offer, for any given meal period, the same meal, with a limited choice in beverage, to every person utilizing the dining facilities.

(3) By allowing officers or employees access to agency dining facilities which offer, for any given meal period, a choice in both meal and beverage items for which unit prices are established.

(C) Other employee maintenance—shall include certain pecuniary or material benefits which a state officer or employee might receive with or without charge by virtue of his office or position for the purpose of being maintained or supported.

(D) Wage or salary for the purpose of these regulations shall include the regular cash salary plus any remuneration provided in a medium other than cash, which shall be computed on the basis of the fair and prevailing value or cost of such items in the locality at the time of payment or as provided herein. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-3. Policy. It shall be the state policy

that where agency's facilities or services are available for providing housing, food service or other employee maintenance, they may be furnished to employees with adjustments to the cash wages or salaries of the position involved as provided herein.

No officer or employee shall accrue any type of housing, food service or other employee maintenance benefit, by virtue of his position, unless such benefit is authorized by statute or regulation as provided herein.

Charges for the value of housing, food service or other employee maintenance which are deemed to be primarily for the benefit of the employee will be deducted from the employee's cash salary or collected in cash from the employee, as provided herein.

The value of housing, food service or other employee maintenance which are deemed to be for the benefit of the employer shall be provided without charge to the employee as provided in regulation 1-19-4 (A) 4 and 1-19-4 (B) 4. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-4. Benefits which may be provided to employees. (a) Food service. (1) Agencies operating dining facilities for patients, inmates, and students may provide food service or meals to employees subject to the conditions contained in this regulation.

(2) When an agency operates its dining facility on the basis of a single standard menu, the agency shall establish rates for meals based upon a recovery to the state of cost as provided in K.A.R. 1-19-9. Employees desiring to take advantage of such food service may purchase meal tickets or booklets containing individual meal accountability or pay the flat monthly rate established for food service, without individual meal accountability according to the practice established in the agency. Where meals are provided for the benefit of the employer as set out in this regulation, meal tickets, booklets or the monthly rate established for such benefits shall be recorded in the payroll records to comply with reporting requirements for social security, Kansas public employees retirement system, unemployment compensation, and workers compensation. Single meal tickets may be sold by the agency for cash at the unit meal rate established, if such practice is established by the agency.

(3) Where an agency operates its dining facility on the basis of the selection of individual food items, the agency shall establish rates for each item based upon a recovery to the state of cost. Employees desiring to take advantage of such facility shall pay the established unit price for each item purchased. Payment shall be made by the custom established in the agency, *i.e.*, by tendering cash to a cashier or by tendering a meal ticket for cancellation of the amount(s) due. If meal tickets are used, the employee shall purchase meal tickets, at a cost fixed by the agency. Where meals are provided for the benefit of the employer as set out in this regulation, meal tickets, booklets, or the monthly rate established for such benefit shall be recorded in the payroll records to comply with reporting requirements for social security, Kansas public employees retirement system, unemployment compensation, and workers compensation.

(4) The value of meals furnished to an employee shall be excluded from wages and salaries for income and withholding tax purposes under internal revenue code section 119, if the meals are furnished on the agency premises, for the convenience of the employer during the employee's working hours in order to have the employee available, (A) for emergency call during the meal period, or (B) when the employee is regularly engaged in a function in which the peak workload occurs during the normal lunch hours, and the employee must be restricted to a short meal period and could not be expected to otherwise secure proper meals off the premises within the meal period allowed. In order to demonstrate that the value of such meals are deductible it must be shown that emergencies requiring duty assignments have actually occurred, or can reasonably be expected to occur and which have resulted or will result, in the agency head or a designee calling on the employee to perform job duties during the meal period.

(5) Agencies shall procure their supplies of meal tickets or booklets through the director of printing or the local agency printing service according to the specifications prepared by the agency and approved by the director of accounts and reports.

(6) The charge for meals provided for the benefit of employees shall be deducted from the employee's pay by a maintenance charge payroll deduction at the rates established, on the payroll, or by cash purchase from the agency.

(7) Agencies shall maintain an accounting system and records for all meal transactions. Such system and records proposed to be maintained by the agency shall be submitted to the director of accounts and reports for approval.

(b) Housing. (1) Where state-owned or leased housing facilities are available, agencies, departments, and institutions may provide housing to employees. Such housing may also be occupied by spouses and other members of the immediate family of a state employee when an apartment, dwelling, or residence is available.

(2) The value and rental charges established for housing are: (A) The value and rental charge shall be determined as provided in the approved rate schedule adopted under K.A.R. 1-19-9 (b).

(3) Every occupant of a house, duplex, or house trailer which has separate utility meters or separate heating fuel sources shall pay for such services directly to the vendor. (A) Agencies shall begin the installation of separate utility meters and heating fuel sources for those houses, house trailers, and duplexes where it is feasible to make such installations. Where it is not practical to install meters the state agency shall designate a rate to be charged to the employee to cover the cost to the agency of providing such services.

(B) Employees living in their own house trailers which are parked on state property shall pay to the state the sum determined by the state agency to cover the costs to the agency for lot rental, heat, and utilities if they do not have separate utility meters and heating fuel sources.

(4) A full deduction of the value established for housing, lot rent, utility meters or heating fuel sources which are provided by the employer as a part of the rental value shall be allowed from wages and salaries to comply with internal revenue code section 119, for income and withholding tax purposes if the occupant is required by the agency to be available at the duty location twenty-four (24) hours per day, every day—except for authorized time off—to meet job requirements. In order to qualify for this reduction: (A) The lodging must be furnished on the agency premises and at the place of employment with the state agency.

(B) The lodging must be furnished because the employee is required to be available for duty at all times or because the employee could not perform the services required unless such lodging is furnished.

(C) The employee is required to accept such

lodging as a condition of employment in order to properly perform the job duties.

(D) The head of each agency shall certify on the form prescribed those positions and employees on such positions who are required to live in the housing provided.

(5) Each agency is responsible for the collection of the charges prescribed through payroll deductions or cash collections, or both, and for the recordkeeping in connection with such collections.

(6) Agencies shall notify the director of accounts and reports of the following types of changes in housing on forms prescribed.

(A) Square footage added to an existing dwelling.

(B) Number of occupants in a dwelling.

(C) Type of fuel used to heat a dwelling.

(D) Source of water supply.

(E) Separate utility meters or heating fuel sources installed.

(F) New dwelling constructed or purchased.

(G) Existing dwelling converted into living quarters.

(H) Existing dwelling abandoned or converted to other use.

(I) Condition of a dwelling changed through remodeling, interior decorating, or repair.

(7) The identification number assigned to every house, duplex, apartment, room, and house trailer in the approved rate schedule shall be affixed to the entrance way of each individual housing unit in numbers not less than one (1) inch high by each agency.

(8) Employees visiting the agency on official business who stay overnight in a room provided by the state shall pay the nightly rate prescribed by the agency. Records shall be maintained, showing the name of each such persons, the date(s) of stay, and the sum collected.

(9) Every occupant of state-owned or controlled housing who has telephone service for the occupant's convenience shall pay for such service directly to the vendor, and in all cases shall pay personal long distance telephone charges.

(c) Drugs, medical, or dental services. (1) Agency heads may authorize the use of agency drug supplies and medical or dental services, for employees, in cases of emergencies occurring during an employee's duty shift, or for the prevention of disease to which employees may be exposed while on the job.

(2) Drug supplies authorized for employee

emergency or preventive disease treatment shall be prescribed by a medical doctor.

(3) Drug and medical services authorized in cases of emergencies as provided in this regulation, or for preventive disease treatment may be given to the employee without charge.

(4) No drug supplies, or dental services, shall be continued beyond the initial emergency period authorized in this regulation, nor shall any such supplies or services be given or sold to, or purchased for, employees for non-emergency purposes, other than authorized preventive disease treatment.

(5) Agencies' accident records should include employee drug, medical and dental transactions.

(d) Laundry and cleaning services. (1) Agency heads may permit the laundering or cleaning in state operated facilities of uniforms for those employees required to wear uniforms on duty and household linen and drapes in state-owned housing. Such laundering or cleaning may be done without charge to the employee.

(2) Agency laundry and cleaning facilities shall not be used for the personal clothing of employees or members of their families.

(e) Benefits under rehabilitation or vocational training programs. (1) Student, patient, or inmate rehabilitation, or vocational training programs, where employees are authorized to take advantage of the services offered by the program may be provided subject to the limitations contained in this regulation.

(2) Where employees are taking advantage of such a program which involves the use of agency facilities or stocks, the employees shall be billed for the cost of any parts, materials, or supplies; plus a ten percent (10%) markup for administration; plus the cost of labor, if it is agency policy to pay students, patients, or inmates for their labor. These charges shall be paid to the agency in cash or may be deducted from the employee's salary at the discretion of the agency head.

(3) Where it is agency policy that students, patients, or inmates engaged in a rehabilitation or vocational training program shall be paid for their labor, the agency shall supervise all monetary transactions between the employee and the student, patient, or inmate, including arrangements for the labor, rates of pay, invoicing, and method of payment.

(4) Agencies shall keep records of all transactions involving student, patient, or inmate labor and, where applicable, agency stocks, furnished to

employees. Records shall include the date, employee, student, patient, or inmate, program, supplies, break out of charges, and any other pertinent information as prescribed by the director of accounts and reports.

(f) Use of state-owned cars. The assignment and use of state-owned cars shall be in accordance with the provisions of applicable travel reimbursement and motor pool regulations.

(g) Awards for suggestion or work improvement proposals. Awards for suggestions by agency employees shall be considered as additional wages and be paid under the terms of the enabling legislation, regulation, or appropriation act on the agency payroll. (Authorized by K.S.A. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975; amended May 1, 1979.)

1-19-5. Benefits which may not be provided to employees. (A) Domestic help. No officer or employee of any agency will be furnished domestic help, except those working under authorized training programs as provided for in regulation 1-19-4 (E) and for classified domestic workers whose duty assignment is in state-owned or controlled housing.

(B) Motor pool supplies. No gasoline, oil, parts or other motor pool supplies will be furnished to an employee, from agency stocks or by direct purchase for a privately-owned vehicle, except as provided for in regulation 1-19-4 (E).

(C) Employee purchase discounts. Items purchased by the state shall not be resold to officers or employees, except for those convenience items regularly offered for sale through recognized canteens and then only at the price at which the item is regularly offered for sale.

(D) Commissary storeroom, warehouse or other privileges. No employees, or members of their families will charge purchases to the state or will draw food, rations, linens, household supplies, or any other expendables, from any agency store-room, warehouse, kitchen, farm or other service, supply or production area, for their personal benefit or use.

(E) Monetary allowances. No monetary allowances will be given to employees in lieu of benefits.

(F) Charge accounts. No state-financed charge accounts or credit cards will be furnished or used for the personal benefit of employees or their families.

(G) Surplus institutional commodities. Com-

modities which are locally produced at an agency and which are surplus to the needs of the agency and its customer agencies may not be sold or furnished to employees or officers, except as authorized by statute, provided if such commodities are offered for sale to the general public, they may be sold to employees at rates no lower than they are offered to the general public. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-6. Visiting state employees. State employees visiting agencies on official business may use agencies' dining facilities and pay the amount required under the cost recovery system established by the agency. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-7. Existing agreements and contracts. This regulation supersedes all existing rate schedules pertaining to employee benefits. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-8. Administration. (A) Payroll deductions. Total charges for housing, food service or other employee maintenance provided for the convenience of the employee which is deducted from each employee's monthly salary will be shown in a maintenance charge column on the monthly payroll.

(B) Cash. Maintenance charges collected in cash will be accounted for and deposited in the appropriate fund of the agency and remitted as provided by K.S.A. 75-4215 to the state treasurer.

(C) Records. Agencies will maintain records required to properly administer the provisions of this regulation. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

1-19-9. Rate schedule. Agencies shall immediately on the effective date of these regulations and annually thereafter, by June 1, adopt an accounting procedure and prepare a rate schedule for housing, food service and other employee maintenance to be provided to employees for the following fiscal year and shall submit such schedule to the director of accounts and reports on forms provided for such purpose for approval. The approved rate schedule when submitted to the secretary of administration and approved by

the governor shall become effective, provided, that the secretary of administration may adopt interim rates pending approval of the governor which shall be in effect until adopted or amended by the governor.

The criteria used to develop the rate schedule are as follows: (a) Food service rates will be based on costs of direct raw food cost, additional direct labor cost incurred to serve employee's meals and a surcharge for indirect cost of ten percent (10%) of the direct costs.

(b) Housing rates shall be determined by the fair rental value as recommended by the agency and determined by the director of accounts and reports or by a qualified appraiser employed by the agency to determine the prevailing fair market rental value of the housing in the immediate locality. The determinations of the fair rental value of housing shall include but not be limited to recognized cost factors for operating costs, annualized maintenance, repairs and replacement, amortized replacement cost of the fixed asset, and a management fee.

(c) Other maintenance charges shall be based on agency costs. (Authorized by K.S.A. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975; amended May 1, 1979.)

1-19-10. Permissive changes in rate schedule. Any agency may apply at any time to the secretary of administration for changes in the rate schedules provided for in these regulations, subject to the approval of the governor. (Authorized by K.S.A. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975; amended May 1, 1979.)

1-19-11. Food service and housing authorized by line item appropriation and provided primarily for public functions shall be exempt from the provisions of these regulations. (Authorized by K.S.A. 1974 Supp. 75-2961a, 75-3706; effective, E-74-46, Aug. 28, 1974; effective May 1, 1975.)

Article 20.—TRAVEL SUBSISTENCE ALLOWANCE

1-20-1 and 1-20-2. (Authorized by K.S.A. 1979 Supp. 75-3207, 75-3207a; effective May 1, 1976; amended, E-79-10, April 20, 1978; revoked, E-80-10, July 11, 1979; revoked May 1, 1980.)

Article 21.—UNITED STATES SAVINGS BOND DEDUCTION PROGRAM

1-21-1. Definitions. (a) “Director” means the director of accounts and reports.

(b) “Agency” means the agency employing the participating employee.

(c) “Payroll savings program” means the state of Kansas program for the purchase of United States savings bonds through state payroll deductions.

(d) “Participating employee” means an employee who has elected to participate in the payroll savings program.

(e) “Bond” means United States payroll savings bond.

(f) “Account” means the amount accumulated in the clearing fund toward the purchase of a specific bond on behalf of an employee.

(g) “Clearing fund” means the state of Kansas United States savings bond clearing fund. This regulation shall take effect on and after December 17, 1995. (Authorized by K.S.A. 75-3706, 75-5530; implementing K.S.A. 79-5530; effective May 1, 1978; amended July 12, 1993; amended Dec. 17, 1995.)

1-21-2. Participation. (a) Any employee may elect to participate in the payroll savings program on an individual basis only.

(b) Joint purchase of United States savings bonds by two or more employees shall not be permitted. However, any employee may establish multiple bond accounts in multiple denominations with a designated amount or percentage of the payroll deduction going to each account. Any employee may designate different owners, co-owners or beneficiaries for each bond purchased from that individual’s account.

(c) Participation shall begin in the first payroll period following processing of the authorization form by the agency as prescribed by the director.

(d) Any participating employee may discontinue participation at any time, subject to the limitations set out in subsection (g).

(e) Any employee may elect to re-enroll at any time, subject to the limitations set out in subsection (g).

(f) Authorization changes shall be limited to:

(1) changes in the name, address or social security number of the owners, co-owners or beneficiaries;

(2) changes in the amount or the percentage of

the payroll deduction designated for each account; and

(3) changes in the denomination of bond.

(g) All authorization changes shall take effect in the first payroll period following receipt of the prescribed authorization form by the agency. This regulation shall take effect on and after December 17, 1995. (Authorized by K.S.A. 75-3706, 75-5530; implementing K.S.A. 75-5530; effective May 1, 1978; amended July 12, 1993; amended Dec. 17, 1995.)

1-21-3. (Authorized by K.S.A. 75-3706, 75-5530; effective May 1, 1978; revoked July 12, 1993.)

1-21-4. Limitations. (a) Each participating employee shall designate a whole dollar amount to be deducted in each payroll period which shall:

(1) be at least \$5.00 per payroll period; and

(2) not exceed the amount of the employee’s net pay after all other payroll deductions.

(b) Each participating employee may designate different owners, co-owners or beneficiaries of record.

(c) Each participating employee may have multiple active accounts in multiple denominations.

(d) The following denominations of bonds shall be offered:

	Face Value	Cost
(1)	\$100.00	\$50.00
(2)	\$200.00	\$100.00
(3)	\$500.00	\$250.00
(4)	\$1,000.00	\$500.00 (effective January 1, 1996)
(5)	\$5,000.00	\$2,500.00 (effective January 1, 1996)
(6)	\$10,000.00	\$5,000.00 (effective January 1, 1996)

(e) Employees may purchase multiple bonds in multiple denominations for issue in the same pay period. This regulation shall take effect on and after December 17, 1995. (Authorized by K.S.A. 75-3706, 75-5530; implementing K.S.A. 75-5530; effective May 1, 1978; amended July 12, 1993; amended Dec. 17, 1995.)

1-21-5 and 1-21-6. (Authorized by K.S.A. 75-3706, 75-5530; effective May 1, 1978; revoked July 12, 1993.)

1-21-7. Custody of funds, disbursements, refunds and transfers. (a) Any payroll deduction in an amount insufficient to issue the denomination selected shall be accumulated and retained in the clearing fund, without interest, until:

(1) a sufficient amount is credited to the account to issue the denomination selected;

(2) the amount is refunded to the employee; or

(3) the amount is transferred to the state treasurer, as provided in subsection (d).

(b) Bonds in the denomination selected shall be purchased and issued by the director within a reasonable time following each regular payday.

(c) The amount in an account shall be refunded on request to:

(1) an employee who discontinues participation;

(2) an employee who terminates employment; or

(3) an employee's estate or authorized representative.

(d) If an account has been inactive for three years and no request for a refund has been filed, the balance in the account may be transferred to the state treasurer as unclaimed property, pursuant to K.S.A. 1992 Supp. 58-3909, at the director's discretion.

(e) If a bond is issued and a subsequent payroll adjustment transaction is processed which creates an insufficient bond account for the employee, agency funds shall be charged for the amount of the adjustment included in the purchase price of the bond. The agency shall be responsible for the recovery of these funds from the employee. (Authorized by K.S.A. 75-3706, 75-5530; implementing K.S.A. 75-5530; effective May 1, 1978; amended July 12, 1993.)

1-21-8. (Authorized by K.S.A. 75-3706, 75-5530; effective May 1, 1978; revoked July 12, 1993.)

1-21-9. Authorized by K.S.A. 75-3706; effective May 1, 1978; amended May 1, 1979; revoked July 12, 1993.)

1-21-10 and 1-21-11. (Authorized by K.S.A. 75-3706, 75-5530; effective May 1, 1978; revoked July 12, 1993.)

1-21-12. Adoption of federal regulations. The regulations in 31 C.F.R., Part 351, Section 351.0-351.13 prescribed by the savings bond division of the bureau of the public debt, United States department of the treasury, as in effect on July 1, 1991, are hereby adopted by reference. (Authorized by K.S.A. 75-3706, 75-5530; implementing K.S.A. 75-5530; effective May 1, 1978; amended July 12, 1993.)

Article 22.—MOVING ASSISTANCE

1-22-1, 1-22-2, 1-22-3, 1-22-4, and 1-22-5. (Authorized by K.S.A. 75-3219; effective May 1, 1979; revoked, T-1-4-26-93, April 26, 1993; revoked July 12, 1993.)

Article 23.—STATE VANPOOL PROGRAM

1-23-1. Use of state-owned vans in the vanpool program; applicability; definitions. These rules and regulations shall apply except as expressly indicated in this regulation, to the use, charges for use or reimbursement for use of all vans assigned for use in the vanpool program by all passengers and officers or employees as drivers. For the purpose of these rules and regulations, the following terms shall have the meanings hereafter described. The term "director" shall mean the director of the central motor pool of the department of administration. The term "motor pool" shall refer to the central motor pool or any branch thereof established pursuant to K.S.A. 75-4602 *et seq.* and any amendments thereto. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

1-23-2. Program administration. (a) The secretary of administration shall be responsible for overall supervision and for decisions regarding expansion or contraction of the scope of the vanpool program. To assist the secretary in making such policy decisions, a program review committee composed of the secretary of administration, the director of the Kansas energy office, the secretary of the Kansas department of transportation, or their designees, may be convened at the discretion of the chairperson. The chairperson of the committee shall be the secretary of administration or his or her designee. The committee may review instances of mishap or misconduct relating to program operations and, if necessary, recommend remedial action.

(b) For purposes of the vanpool program, ridership participation shall consist of one (1) qualified driver and at least seven (7) passengers, of which at least six (6) must be state employees, selected from applications filed with the central motor pool director to best meet the program goals set out in K.S.A. 1980 Supp. 75-46a02.

(c) The day-to-day operation of the vanpool program shall be the responsibility of the central

motor pool. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

1-23-3. Passenger requirements. (a) (1) Each person desiring to participate on a month-to-month basis in the vanpool program shall complete a written application and agreement to participate. The signed agreement to participate shall be filed with the central motor pool by the driver of the appropriate vanpool.

(2) Each person desiring to terminate participation in a vanpool shall give the driver written notice of that intention not less than two weeks before the termination date. The driver shall, in turn, notify the central motor pool.

(b) (1) The fare for participating in the vanpool program shall be determined for each individual vanpool and shall be based upon the costs of operating the vans, including reasonable overhead costs, depreciation reserve requirements for vehicle replacement, public liability insurance, all operating, servicing, repair and replacement costs, and maintenance of a contingency reserve.

(2) Maximum individual passenger fares shall not exceed $\frac{1}{7}$ of the assessed monthly vanpool costs.

(3) All passengers' fares shall be proportionately reduced with the participation of each additional passenger. All passenger's fares shall be paid monthly and shall be collected by the driver on or before the fifth day of the month following the month in which the costs were incurred. Passengers who do not comply with this requirement may be prohibited from further participation in the vanpool program, and may be replaced by prospective passengers from the vanpool program waiting list. Passengers denied further participation in the vanpool program may apply for reinstatement to the waiting list. (Authorized by K.S.A. 75-46a08; implementing K.S.A. 75-46a03 through 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1984; amended, T-87-4, Jan. 27, 1986; amended May 1, 1987.)

1-23-4. Primary driver requirements. (a) Each person desiring to be a driver in the vanpool program shall apply to the central motor pool on the prescribed form. Each driver applicant shall meet the following minimum requirements:

(1) Each applicant shall possess a Kansas

driver's license which is valid for the type of vehicle driven.

(2) Each applicant shall be able to provide a safe parking place for the van. The van shall not be parked on the street overnight, unless approved by the Central Motor Pool.

(3) Each applicant's driving record shall be screened according to the criteria set out in K.S.A. 40-277.

(b) All persons selected to be drivers in the vanpool program shall assume the following responsibilities:

(1) Each primary driver shall be responsible for the safe and prudent operation of the assigned vanpool in accordance with all applicable county resolutions, city ordinances and state laws pertaining to the operation of motor vehicles. Any fines or penalties arising from operation in an unlawful manner shall be the responsibility of the driver. The state of Kansas reserves the right to prohibit from further participation in the vanpool program any driver who operates a van in a manner which:

(A) interferes with the prompt pick-up and delivery of passengers in the vanpool;

(B) threatens the safety of vanpool passengers or any member of the general public; or

(C) habitually violates terms of contracts or rules and regulations and laws governing the vanpool program.

(2) Each primary driver shall be responsible for the collection of fares from passengers. Such fares shall be paid to the central motor pool by the sixth day of each month. Failure to remit those fares shall result in appropriate collection action.

(3) Each primary driver shall maintain accurate mileage and service logs for the vanpool. The mileage and service logs shall indicate beginning and ending mileage traveled in the course of normal vanpool operations, beginning and ending mileage accumulated in the course of personal use of the van and a current passenger list. A copy of the signed log, along with a list of all expenditures incurred and receipts for purchases or expenditures incurred shall be filed each month by the sixth day of the month with the central motor pool.

(c) Each person selected to be a primary or alternate driver in the vanpool program shall be eligible for reimbursement of any enrollment fee for a red cross multi-media first aid course, or the equivalent, and a national defensive driver course, or the equivalent. These fees shall be paid by the central motor pool on receipt of evidence of en-

rollment and successful completion of these courses. Leave with pay to attend the courses shall be allowed as authorized by K.A.R. 1-9-9.

(d) All persons selected as primary drivers in the vanpool program shall:

(1) be required to pay 25% of the individual passenger fare established for that van pool. When not functioning as primary driver for a period of more than one week, the full passenger fare shall be charged.

(2) have personal use of the van when it is not required for travel to the work place or return. However, the driver shall be required to pay for the personal use of the van at the prevailing vanpool mileage rate. Payment for such personal use shall be made on the sixth day of each month. (Authorized by K.S.A. 75-46a08; implementing K.S.A. 75-46a02 through 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1984; amended, T-87-4, Jan. 27, 1986; amended May 1, 1987.)

1-23-5. Alternate driver requirements. Each vanpool shall have at least one (1) passenger who is a qualified alternate driver, other than the primary driver. This passenger shall, in the absence of the primary vanpool driver, assume all responsibilities for vanpool operations. Alternate drivers shall meet the same requirements as those set forth for primary vanpool drivers. If an alternate driver serves as the primary operator for a period exceeding one (1) week, he or she shall receive the same benefits as those accorded primary vanpool drivers for the duration of such services. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

1-23-6. Supplies, service, maintenance, repair and expenses of operation of state-owned vans. Supplies for, service, maintenance and repair of state-owned vans shall be performed or arranged for under the supervision of the director and pursuant to contracts for such supplies, service, maintenance and repair and the facilities therefor entered into by the director of purchases or the secretary of administration pursuant to K.S.A. 75-4605. The cost of such supplies, service, maintenance and repair and the facilities therefor for state-owned vans in the vanpool program, shall be reflected and be a part of the mileage charge made to each individual vanpool. While the vanpool driver may make occasional purchases of op-

erating or maintenance items for a state-owned van such as gasoline, oil, tire repairs, greasing, etc., the normal purchases shall be made from the motor pool facilities. Wherever open-end contracts for discount purchase of gasoline, oil or services are entered into by the director through the director of purchases, the special credit cards issued for such contracts shall be used wherever possible. Such items as tires and other items designated by the director, shall be purchased under the contract established by the division of purchases, department of administration. Expenses such as charges for ferry, bridges or toll roads and receipts covering such items of expenditures except unattended toll bridges and parking meters, shall be paid by the driver. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

1-23-7. Major and emergency repairs or purchases. Obligation for repairs to or purchases of a major nature for a state-owned van shall not be made without the prior authorization of the director. A major repair or purchase is defined as one which exceeds seventy-five dollars (\$75).

Emergency purchases immediately necessary to keep a state-owned van operating safely to the immediate destination may be reimbursed upon justification and approval by the director, but not in excess of two hundred dollars (\$200) without the approval of such officials prior to incurring the obligation for such expenditure. Towing charges resulting from failure of a motor pool van shall be paid by the motor pool. When towing service is required within approximately twenty-five (25) miles of Topeka, the driver shall call the motor pool and request towing services; in all other instances, the driver shall call the nearest garage. Towing and service charges incurred through improper parking of the motor vehicle by the operator will be charged to the driver. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

1-23-8. Accident reporting requirements. If an accident should occur involving any state-owned van, the accident should be immediately reported by the driver or some reliable person to the highway patrol or other law enforcement agency. Statements should not be made to anyone except law enforcement officers, repre-

sentatives of the state's insurance company or motor pool officials. Information should be secured about the other party so a complete report can be made on the report form provided. In serious injuries or death, telephone collect the claim department of the state's insurance company, or the motor pool. A complete written report of all accidents shall be made to the director. Other reports to the highway patrol or other law enforcement officials, shall be made where required. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

1-23-9. Signs, decals and bumper stickers prohibited. No van driver shall permit any sign, decal or bumper sticker to be affixed to or remain on any state-owned van unless it has been placed there under the written authority of the director. (Authorized by K.S.A. 1980 Supp. 75-46a08; implementing K.S.A. 1980 Supp. 75-46a02 to 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981.)

Article 24.—PAYROLL DEDUCTIONS FOR CHARITABLE CONTRIBUTIONS

1-24-1. Written authorization. (a) Each state employee who desires to participate in the payroll deduction plan authorized by K.S.A. 75-5531 *et seq.* for the purpose of making contributions to united way organizations shall enroll in the plan by completing a written authorization on the form prescribed or approved by the director of accounts and reports.

(b) The completed and signed authorization form shall be submitted to the united way organization solicitor or agent, who shall forward one copy to the agency for the agency records.

(c) For each employee who elects during the annual "united way" drive to contribute by payroll deduction, the employee's agency shall process the authorization form prescribed by the director.

(d) Any employee not electing to participate during the annual calendar year "united way" drive may participate at any time thereafter, subject to the other provisions of this regulation and after processing of the authorization form prescribed by the director.

(e) Unless changed or canceled, the deductions shall continue through the calendar year. If a participating employee decides to cancel or change the united way contribution by payroll de-

duction, the employee shall file written notice of such authorization with the designated agency official. The change in payroll deduction shall be effective the first day of the payroll period that begins after the authorization form is received by the agency.

(f) This regulation shall take effect on and after December 17, 1995. (Authorized by K.S.A. 75-5534; implementing K.S.A. 1994 Supp. 75-5532; effective May 1, 1981; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended Dec. 17, 1995.)

1-24-2. Cancellations or changes of contributions or payroll departments. This revocation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1980 Supp. 75-5534; implementing K.S.A. 1980 Supp. 75-5532; effective May 1, 1981; revoked, T-89-1, Jan. 7, 1988; revoked Oct. 1, 1988.)

1-24-3. Minimum and maximum amounts to be deducted. (a) The minimum united way deduction amount authorized shall be one dollar (\$1) per payroll period.

(b) The maximum united way deduction amount which may be deducted shall be limited only to the amount of compensation that is payable to the employee after subtracting all other lawful items of payroll withholdings and deductions. (Authorized by and implementing K.S.A. 1980 Supp. 75-5534; effective May 1, 1981.)

1-24-4. Coercion to contribute prohibited. The use of official action or threat of official action by a state officer or employee to coerce or attempt to coerce a subordinate state employee to contribute to a united way organization is prohibited. (Authorized by and implementing K.S.A. 1980 Supp. 75-5534; effective May 1, 1981.)

Article 25.—SET-OFF OF AMOUNTS OWED DEBTORS OF STATE

1-25-1 to 1-25-9. (Authorized by and implementing K.S.A. 1980 Supp. 75-3728k; effective May 1, 1981; revoked, E-82-14, July 1, 1981; revoked May 1, 1982.)

Article 26.—WRITE-OFF OF ACCOUNTS RECEIVABLE BY STATE AGENCIES

1-26-1. Write-off procedures. (a) Each state agency shall apply to the director of accounts and reports for authority to write-off a receivable

when the receivable is past due and the agency has complied with the minimum collection procedures set forth in K.A.R. 1-26-2 and has determined that the receivable is uncollectible.

(b) The request for write-offs shall include:

(1) the number of accounts to be written off;

(2) the total dollar amount of such accounts;

(3) for each account list, the debtor's name, social security number, amount and a brief statement as to the reason or basis for determining the account to be uncollectible;

(4) a statement by the responsible individual that in his or her opinion the accounts are uncollectible, and that this request is submitted in accordance with K.S.A. 75-3728b and these regulations; and

(5) the signature of the agency head which certifies his or her approval of the request.

(c) Each state agency shall retain receivables on its record until written notification of approval from the division of accounts and reports to write-off such receivable is received.

(d) The secretary of administration, at the request of a state agency, may authorize the director of accounts and reports to write-off any account or tax receivable upon the secretary's determination that there is a reasonable basis to believe that the account should not have been listed as an account receivable or other information indicates that there is a legitimate dispute as to the amount owed. (Authorized by K.S.A. 1980 Supp. 75-3728c; implementing K.S.A. 75-3728b; effective May 1, 1981.)

1-26-2. Minimum collection procedures.

Unless the director of accounts and reports approves an agency's alternative collection procedure, each state agency shall perform the following minimum collection procedures: (a) A record shall be kept for each action taken to collect an account. This documentary evidence of collection efforts shall be available at the agency to support an account being classified as uncollectible.

(b) At least three (3) documented efforts should be made to demand payment and collect all delinquent accounts over twenty-five dollars (\$25.00). Accounts twenty-five dollars (\$25.00) and under require only one (1) documented attempt.

(c) All past due accounts over two hundred dollars (\$200.00) shall be referred to the agency attorney or attorney general for legal review.

(d) The state agency shall request the assistance

of the division of accounts and reports in determining whether the debtor is subject to set-off procedures authorized by K.A.R. 1-25-1 *et seq.*

(e) In cases where the debtor is subject to the setoff procedures authorized by K.A.R. 1-25-1 *et seq.*, the state agency shall attempt to avail itself of such procedures.

(f) When there are legal remedies available to the state agency without the commencement of court proceedings, including but not limited to, suspension, revocation or cancellation of a license, permit, certificate or other grant of authority, the state agency shall attempt to avail itself of such remedies. (Authorized by K.S.A. 1980 Supp. 75-3728c; implementing K.S.A. 75-3728b; effective May 1, 1981.)

Article 27.—CANTEENS AND BENEFIT FUNDS

1-27-1. Establishment of canteens, canteen funds and benefit funds. Requests for the establishment of canteens, canteen funds and benefit funds, as defined by K.S.A. 1980 Supp. 75-3728e, shall be made to the director of accounts and reports. The application shall be made upon the prescribed form and signed by the superintendent, president or other supervisory head of the state institution. (Authorized by K.S.A. 75-3728h; implementing K.S.A. 75-3728f; effective May 1, 1981.)

1-27-2. Custodian of funds. A custodian of the canteen fund and benefit fund shall be appointed by the supervisory head of the institution. Each custodian shall be responsible for establishing internal controls over the moneys of these funds and shall maintain the accounting records prescribed by the director of accounts and reports. (Authorized by K.S.A. 75-3728h; implementing K.S.A. 75-3728f; effective May 1, 1981.)

1-27-3. Accounting records and reporting. (a) Each canteen fund shall maintain the following accounting records:

(1) sales journal;

(2) purchases journal;

(3) cash receipts journal;

(4) cash disbursements journal;

(5) general journal; and

(6) general ledger.

Accounts included in the general ledger shall include, but not be limited to, cash on hand, cash in bank, accounts receivable, inventory, equip-

ment, accumulated depreciation, accounts payable, unused coupon books, retained earnings, capital, sales, cost of sales, depreciation, miscellaneous, rent, repairs and maintenance, and supplies. Other accounts shall be added as required by generally accepted accounting principles. The accounting requirements of this regulation may be modified for a particular institution by written approval of the director of accounts and reports.

(b) The custodian of each canteen fund shall be responsible for the preparation of an income statement and balance sheet on each fund or operation for the periods ending March 31, June 30, September 30 and December 31 of each year. A copy of these financial statements shall be forwarded to the director of accounts and reports within one (1) month after the end of each reporting period.

(c) Each benefit fund shall maintain the following accounting records: (1) cash receipts journal; and (2) cash disbursements journal.

(d) The custodian of each benefit fund shall be responsible for the preparation of a change in fund balance statement on each fund or operation for the periods ending March 31, June 30, September 30 and December 31 of each year. A copy of this financial statement shall be forwarded to the director of accounts and reports within one (1) month after the end of each reporting period. The first report due pursuant to this subsection shall be for the period ending September 30, 1983. (Authorized by K.S.A. 75-3728h; implementing K.S.A. 75-3728f; effective May 1, 1981; amended May 1, 1983.)

1-27-4. Deposits and expenditures. (a) All moneys received by a benefit fund or a canteen fund shall be deposited into the bank account designated by the pooled money investment board.

(b) All disbursements from benefit funds and canteen funds shall be made by check from the bank account for the fund. Petty cash funds, change funds and imprest funds may be established under procedures specified by the director of accounts and reports. The custodian or alternate custodian of each fund shall sign each check that is drawn upon the bank account. (Authorized by K.S.A. 75-3728h; implementing K.S.A. 75-3728f; effective May 1, 1981.)

1-27-5. Canteen coupon books. (a) Canteen coupon books may be sold by the custodian of the benefit fund. Such coupons shall be accepted on purchases at face value by the canteen

cashier when presented by the registered owner. The custodian of the canteen fund, shall present the coupons to the custodian of the benefit fund for redemption at face value from the benefit fund at least monthly. The custodian of the benefit fund shall maintain a complete record of the sale and redemption of the coupons.

(b) All coupons redeemed by the custodian of the benefit fund shall be filed by denomination and retained until the completion of the next post audit of the institution or agency fund as performed by the division of post audit, and the approval thereof in writing in the audit report by the division of post audit. (Authorized by K.S.A. 75-3728h; implementing K.S.A. 75-3728f; effective May 1, 1981.)

Article 28.—SOCIAL SECURITY PROGRAM IN POLITICAL SUBDIVISIONS

1-28-1. (Authorized by K.S.A. 40-2308; implementing K.S.A. 40-2305; effective May 1, 1980; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended, T-84-20, July 26, 1983; amended May 1, 1984; revoked July 12, 1993.)

1-28-2. (Authorized by K.S.A. 40-2308, 75-3749, K.S.A. 1979 Supp. 40-2305; effective May 1, 1980; revoked July 12, 1993.)

Article 29.—EMPLOYEE AWARDS

1-29-1. (Authorized by and implementing K.S.A. 1980 Supp. 75-2956b; effective, E-81-14, June 12, 1980; effective May 1, 1981; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-29-2. (Authorized by and implementing K.S.A. 75-2956b; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-29-3. (Authorized by and implementing K.S.A. 1982 Supp. 75-2956b; effective May 1, 1983; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

Article 30.—EMPLOYEE SUGGESTION SYSTEM

1-30-1. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; re-

voked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-2. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-3 to 1-30-5. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-6. (Authorized by and implementing K.S.A. 1980 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-7 and 1-30-8. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-9 and 1-30-10. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-11. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-12 and 1-30-13. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-14. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-15. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-16. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-17. (Authorized by and implementing

K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-18 and 1-30-19. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-20. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-21. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-22. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-23. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-24. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

Article 31.—COMPUTER SERVICES— GENERAL

1-31-1. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; revoked May 1, 1978.)

1-31-2. Applicability. (a) These rules and regulations shall apply to all state agencies as defined in K.S.A. 1976 Supp. 75-3701. The exclusion specified in K.S.A. 1976 Supp. 75-4705 for board of regents institutions relates only to central processing of data by computer. Provisions of these rules and regulations pertaining to the approval of automatic data processing machinery, lease, purchase or contracts specified in K.S.A. 1976 Supp. 75-4706, shall apply to such institutions.

(b) The provisions of K.S.A. 1976 Supp. 75-4705 (b), as they apply to approval for control, possession, and operation of adjunct central proc-

essing units shall be implemented by memorandums of agreement between the department, division, or agency seeking approval and the director of the division of computer services. Such memorandums of agreement shall be explicit as to the term of the agreement and the conditions under which the director may terminate the agreement.

(c) The statement “no other division, department, or agency of the state shall perform central processing computer functions . . .” as it appears in K.S.A. 1976 Supp. 75-4705 (a) shall apply equally to performance by contractual arrangement with any supplier of data processing or data entry services, or lease, purchase or contract for any data processing programs or programming systems, or any data processing systems design or computer programming services. In the interests of economy and efficiency, the director, division of computer services may approve written requests submitted by departments, divisions and agencies of the state for the acquisition of such data processing services, programs or systems. Board of regents institutions are excluded from this requirement.

(d) The director of computer services may elect to call upon other agencies of the state, including board of regents institutions, to provide assistance in the central processing of data by computer. Such action may become necessary to (1) alleviate a shortage of data processing capability in the division of computer services, (2) make better use of state computer resources which may have reserve capacity, or (3) provide alternate capability in the event of disaster. When a request for assistance is made on behalf of an agency normally serviced by DCS, the director will assume responsibility for all negotiations, scheduling and billing for services. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-31-3. Definitions. When used in these administrative regulations, the following words and phrases shall have the meaning indicated: (a) “DCS” refers to and means the division of computer services of the department of administration.

(b) “Central processing of data by computer,” “data processing services,” and “central processing computer functions.” These phrases refer to and mean performance or the capability to perform the complete range of data processing ma-

chine services normally provided by a data processing facility and include, in addition, systems design and programming services, furnishing of services to remote electronic terminals, data entry services, maintenance of tape and disk libraries, and maintenance of a library of computer programs for both generalized and special use.

(c) “Facility” or “data processing facility” means the resources available to the division of computer services and includes all the services specified in the preceding paragraph.

(d) “Data” and “data to be processed” as used in K.S.A. 1976 Supp. 75-4703(c) and (d) includes, in addition to data files and data transactions submitted either electronically or physically (*e.g.*, cards, tape, or disk packs), the following: (1) Computer programs submitted to the division of computer services for compilation, assembly, test, and implementation into the production schedule.

(2) Files maintained for user agencies within the data processing facility as well as the data used in updating, correcting, or otherwise manipulating such files.

(3) Files maintained for user agencies which are interrelated by the use of indexing schemes and which can be accessed, updated and otherwise manipulated by the use of a “data base management system,” either from terminals (“on-line”) or in a batch operation may be defined as “data base” files.

(e) The phrase “determination of priorities for such services performed” as used in K.S.A. 1976 Supp. 75-4703 (b) shall include but not be limited to schedules and the scheduling of facility production.

(f) The phrase “including authority to decline new projects under specified conditions” as it appears in K.S.A. 1976 Supp. 75-4703 (b) means and refers to conditions that may arise when the demand for new or expanded computer services exceeds the capacity of DCS to provide these services. During these periods, and for such length of time as is required to increase the productive capability of the DCS facilities, the director may request users to defer the development of new computer applications or major revisions to existing applications that require additional facility resources. Upon a showing by the user agency that such deferral would adversely affect the state’s interest, the director may exercise the option described in 1-31-2(d) to utilize other state computer resources, or may authorize the user agency

to obtain contractual data processing services as provided in 1-31-2 (c).

(g) "Schedules" and "scheduling of facility production" refer to the planning for use of facility resources on a time of day, day of month, or other time-related basis to provide users with reports and output data at times specified by the user.

(h) Prior approval of the director of computer services for the lease, purchase, or contract for any automatic data processing machinery, specified in K.S.A. 1976 Supp. 75-4706, shall include prior consultation with the director or his or her authorized designee for the proposed lease, purchase or contract for any systems design or programming services. Prior approval of the director or his or her authorized designee is required for the proposed rental or lease/purchase of (1) any automatic data processing programs or programming systems, or, (2) any computer data processing services to be furnished by a commercial data processing services bureau or a board of regents institution. (Ref. 1-31-2(c), above.)

(i) The phrase "central processing units of a computer" as used in K.S.A. 1976 Supp. 75-4705(b) shall be interpreted to refer to configurations of data processing equipment that provide a capability to meet the total data processing requirements of a state agency. The phrase does not include those devices variously identified as "intelligent terminals," "mini" or "micro" computers whose function is limited to specialized activities ancillary to or supporting to a large scale computer facility.

(j) "Software" means and refers to computer programs. Software includes application programs (payroll, engineering calculations, etc.) generally written by user personnel to meet a specific user need; utility programs which perform functions commonly needed by all users (copying, printing, punching, etc.); operating system programs which control the internal activities of the computer; and proprietary programs which are purchased or leased and which perform certain specialized functions such as data base management, telecommunications management, program library management, or sorting. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

Article 32.—POLICY AND PROCEDURES MEMORANDUM

1-32-1. Policy and procedures memorandum. The framework of policy established by

these administrative regulations is designed to set the procedural boundaries within which the director of computer services will operate. In order that information concerning data processing services will be promptly made available to the agencies using DCS services, the use of policy and procedures memorandums (PPM) is authorized. Policy and procedures memorandums describe the procedures which agencies are to follow in obtaining computer services from the division of computer services. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-32-2. Same; usage. PPM's issued over the signature of the director DCS or his or her designee, shall serve the following purposes: (a) A method for distributing information to users that is transitory or subject to frequent change, such as the form in which data is to be submitted for processing, changes in instructions applicable to computer operations systems, etc.

(b) A method to notify user agencies of changes in rates, schedules, payment procedures, or standards as required for the efficient operation of the DCS data processing facility.

(c) A method to distribute findings, and recommendations, of the computer services board or the user advisory group. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

Article 33.—RATES AND CHARGES FOR DATA PROCESSING SERVICES

1-33-1. Basis of charges. Charges for data processing services performed by the division of computer services shall be based upon the actual cost of usage of a particular data processing cost center plus distributed overhead costs. Such rates and charges shall be maintained by a cost system in accordance with generally accepted accounting principles. In determining cost rates for billing to agencies, overhead expenses shall include but not be limited to light, heat, power, insurance, labor, depreciation, etc. Billings shall include direct and indirect costs and shall be based on the foregoing cost accounting practices. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-33-2. Usage cost. Data processing cost centers shall be established by breaking down the division's activities in such a way that rates and

charges will reflect equity when they are applied to the user of its services.

The actual cost of usage shall be determined by recording information that is indicative of the cost center's resources necessary to provide the particular data processing service. When equipment or services are dedicated to the service and benefit of a single user, that user will bear the full cost of the equipment or service. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

I-33-3. Distributed overhead costs. Distributed overhead costs shall be determined by summing the following fixed and variable costs and then developing average monthly costs on an annual basis:

(a) Rental of space, including power and air conditioning.

(b) Labor, to include computer operators, supervisors, and clerical personnel, directly assigned to operation and pro-rata share of DCS administrative costs.

(c) Supplies, to include standard forms, punched cards, specialized materials and equipment.

(d) Charges required to provide a lawful depreciation reserve fund pursuant to K.S.A. 1976 Supp. 75-4704 (a).

(e) Software overhead is an item within distributed overhead costs. It applies to computer programs procured for generalized applications. Generalized applications are those used by all clients of the computer services division. Included in this category are software systems such as operating systems, compilers, assemblers, data base management systems, and general purpose utility programs. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

I-33-4. Adjustments in factors. Certain adjustments in applicable factors of the cost formula will be made to distribute overhead costs equitably to remote terminal users; e.g., terminal operations directly supported by the user's own labor force and standard forms purchased by the user for terminal output will not result in duplicate charges. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

I-33-5. Specific applications costs. Specific applications computer program (software) costs, if procured by the division of computer

services, will be charged back to the customer as a separate cost item. Where usage of specific applications software procured by the division is extended to include additional users, the rates charged to any user for such software shall be in direct proportion to use. Software included in this category are programs such as those designed to manage telecommunications traffic. These costs will not be applied for user-owned commercial software systems. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

I-33-6. Formulae for charges. The rates and charges to be made can be expressed in general terms by the following formula:

Where A = the budgeted annual expenditures allocated to a cost center
 B = the percentage of annual administrative overhead allocated to a cost center
 C = the percentage of annual general operations overhead allocated to a cost center
 D = annual depreciation of equipment or software allocated to a cost center
 E = total annual cost of operating a cost center
 F = total monthly cost of operating a cost center
 G = the average measured units of use per month of a cost center
 H = the rate per unit of use of a cost center
 $E = A + B + C + D$
 $F = E \div 12$
 $H = F \div 12$

A large cost center may be broken down into smaller sub-cost centers, if it is reasonable that only a part of its resources may be required by a user. When this is done the costs will be prorated to the sub-cost centers in proportion to their size within the cost center. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

I-33-7. Publication and distribution of rates. The dollar rates charged for data processing services developed by the above formula will be published and distributed to all user agencies by policy and procedures memorandum issued by the director of computer services. Rate revisions will be made, when required, on a quarterly basis. Prior to the annual call for agency budget estimates, the director, DCS, will furnish rates and charges to be used for estimating the cost of data processing services. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

I-33-8. Premium rates. Requests by agen-

cies for rapid "turn-around" services that differ from the norm shall be processed at a premium rate. The rates for levels of service will be derived from the standard algorithm adjusted by a factor that recognizes the additional costs associated with special handling. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-33-9. Discount rates. A discount for nighttime and weekend computer processing may be developed in order to encourage the use of resource at those times. In order to recover costs it will be necessary to charge a premium during daytime processing. The rates will therefore be adjusted in the following manner:

$$\begin{aligned} \text{Where } H &= \text{rate per unit of use of a cost center} \\ I &= \text{adjusted daytime rate for a cost center} \\ J &= 100\% \text{ less desired nighttime discount} \\ K &= \% \text{ of daytime use of a cost center} \\ L &= \% \text{ of nighttime use of a cost center} \\ H &= IK + IJL \\ H &= I(K + JL) \\ I &= \frac{H}{K + JL} \end{aligned}$$

(Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

1-33-10. Billing periods. Users of DCS data processing services shall be billed semi-monthly. When cash reserves are deemed adequate the director may elect to bill on a monthly basis. In the event extraordinary expenses are incurred the director is authorized, with the approval of the secretary, to request payment in advance based on the billing history of each user of services. (Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

Article 34.—SYSTEMS DESIGN AND PROGRAMMING SERVICES RATES AND CHARGES

1-34-1. Requests for design and services. State agencies may request systems design and programming services from DCS on a limited basis. This service is designed for those agencies which do not maintain their own systems and programming staff. The rates for such services will be published and distributed by DCS in policy and procedures memoranda. Rates will be based on time and material costs such that the full expense of providing the service will be recovered from the requesting agency. (Authorized by K.S.A. 75-

3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-34-2. Same; format. Requests for services shall be addressed to the director, DCS, and should follow the format described below:

- Statement of the problem or application
- Date by which a solution or product is required
- A general indication that funds are available for the proposed development effort

(a) The director, DCS, will assign a computer systems analyst to work with the requesting agency to provide an accurate written evaluation of the scope of the work, a cost estimate, and a time schedule. The evaluation will include an estimate of on-going costs by fiscal year.

(b) The evaluation will be transmitted to the requesting agency on forms provided by the director, DCS. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-34-3. Same; options available when DCS cannot provide services. When the scope of work requested is beyond the capability of DCS staff, or when the date by which a solution or product is required cannot be met, the director will so inform the requesting agency. The director may recommend

- (a) That the agency defer development, or
- (b) That the agency consider using contractual services to meet their needs. (Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

1-34-4. Contractual services. An agency desiring to use contractual services shall notify the director of its intention and furnish an estimate of the funds available for the work. The director, DCS, shall act in behalf of the requesting agency and shall prepare bid specifications to procure the desired services. In the event bids are not responsive in respect to funds available, the director shall notify the requesting agency before rejecting the bid. If the agency is unable to obtain additional funding the bid will be rejected. If the bid is responsive, the director will award the bid and issue a work order to the successful contractor. It shall be the responsibility of the director, DCS, to insure the contractor's commitments are met and that the final product is acceptable to the requesting agency. (Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

Article 35.—PAYMENT OF RATES AND CHARGES

1-35-1. Charges. All data processing services performed by the division of computer services for other divisions, departments and agencies of the state shall be charged for in accordance with rate schedules established and published as set forth in these regulations. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-35-2. Same; statements. DCS shall prepare monthly statements of charges on “interfund order-transfer voucher” DA-102 for each user of DCS services. Payment of these charges shall be made to the computer services revolving fund established by K.S.A. 1976 Supp. 75-4704. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-35-3. Same; separate cost centers. Because rates are based on the statutory requirement for cost recovery (K.S.A. 1976 Supp. 75-4703(a)), separate cost centers will use separate rates, and the algorithm for one cost center may generate different hourly rates than those of another cost center. Statements will identify the cost center which performed the service; rates charged will be in accordance with schedules published in PPM’s issued by DCS. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-35-4. Same; federally funded agencies. For those agencies which are wholly or partly federally funded, the division of computer services will provide supporting detail to the extent that requests for data processing services include precise identification of jobs and accounts to which jobs are to be charged. Claims for federal reimbursement shall be transactions between the user agency (state) and the federal department or agency providing funds. Grantees for federal funds are responsible for assuring that the funding federal agency is provided adequate audit data to support data processing expenditures. The division of computer services will provide supporting information as necessary when required for audit purposes. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

Article 36.—DETERMINATION OF PRIORITIES AND SCHEDULES

1-36-1. Schedules for processing batch data specifications. The director of computer services, after consultation with agency heads or their designated representatives, will establish schedules for the central processing of batch data by computer. The schedules so established will be based on documented requirements furnished by user agencies. In the event a proposed computerized application or system will require facility resources in an amount that would jeopardize the ability of the division of computer services to provide service to established users, the director, DCS, may decline to schedule or process the application. The head of the requesting agency will be informed in writing of the reasons for the refusal action. The internal facility priorities required to meet local agency batch processing schedules will be assigned and controlled by the director of DCS. Terminal users may assign priorities within the job classes assigned for their activities. User agency requirements will specify: (a) The time when data processing output documents or products are needed in agency operations; (b) The method of delivery or pickup; (c) The time by which output data should be available at, or received at, a remote terminal location. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-36-2. Same; adherence to standards. Data submitted for processing that does not conform to scheduling agreements, is improper as to form of submission, violates standards established for program or data submission may be

- (a) Returned for correction,
- (b) Deferred until resources are available for processing, or
- (c) Cancelled unconditionally. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-36-3. Variations in rates; priority or deferred processing. Within the limitations imposed by the operating software systems that control processing within DCS computer facilities users may, at their option, request either priority or deferred processing. Rate adjustments resulting from these requests will be in conformance with published rates and charges and will be de-

tailed in billing statements. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

Article 37.—STANDARDS FOR THE SUBMISSION OF DATA

1-37-1. Submission of data. “Data to be processed” (see “definitions,” 1-31-1, above) in centralized data processing facilities can be submitted both physically and electronically. (a) Physical submission includes the delivery to the facility of punched cards, paper tape, magnetic tape cassette and reels, magnetic disks and disk packs. This type of submission may also include handwritten or typed data on preprinted forms (vouchers, requisitions, purchase documents, program coding forms, etc.) to be processed by the department of administration data entry facility.

(b) Electronic submission includes all data transactions, data files or inquiries transmitted to the central facility for processing from terminals or other remote data entry or inquiry equipment. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-37-2. Same; standards. Submission standards are used to specify the format and content allowable for data submitted for processing and represent the minimum requirements that must be met before an application can be accepted for processing within any DCS facility. The minimum standards apply to data and material submitted either physically or electronically. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-37-3. Same; mandatory standards. The following submission standards are mandatory and apply to all work delivered or transmitted to a DCS facility: (a) Must meet job control language (JCL) requirements for the computer involved as published in PPM's covering facility standards.

(b) “Batch run” data should include sufficient information to enable the submitted work to be controlled through the processing cycle, i.e., number of transactions, output requirements, control totals, etc. Terminal users should provide their own controls.

(c) Programmed controls for electronic submission of data should be sufficient to provide clear audit trails so that “end-of-job” routines pro-

vide summaries of such essential information as the number of transactions read and processed, control totals, the number of exceptions to normal processes, the number of lines printed, cards read, records read to tape or disk and such other data that auditors or end users may require. The decision to include or ignore such controls is a user responsibility. Electronically submitted data must adhere to published requirements for identification of user, sign-on and sign-off conventions, and other security measures that may be implemented. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-37-4. Control functions responsibility of division. The following control functions are the responsibility of the division of computer services (a) Verify that user submitted jobs: (1) comply with facility standards; (2) are successfully completed; (3) are properly accounted for if not successfully completed.

(b) Insure that internal operations, (i.e., time accounting, staffing, operating procedures, schedules, etc.) meet user requirements for service and efficiency.

(c) Insure that vital computer control programs (i.e., vendor operating systems, sorts, utilities, etc.) are properly maintained and knowledge of changes or improvements is made available to user agencies in advance of implementation.

(d) DCS shall perform the duplication or “back-up” function for all operating system and operating system support functions, and will restore these systems in the event of hardware, software or environment control failure. Where “back-up” responsibility is assigned to user agencies (see 1-37-5, below) DCS will schedule the jobs required to perform the “back-up” and report successful completion to user agencies. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-37-5. Control functions responsibility of agencies. The following control functions are the responsibility of user agencies: (a) Insure that work submitted to a DCS facility is proper as to form and adherence as to standards.

(b) Users are responsible for designating back-up procedures on their own (single-user) data sets, data files or user-assigned disk packs, and are responsible for any reorganization, compression or other manipulation of such data. Operating

procedures and program documentation shall be maintained by users, but should be made available to DCS operations personnel when required.

(c) When available DCS security storage is not used, user agencies must provide their own security storage of duplicate files of data, program libraries, systems and/or program documentation.

Verification that work performed by the DCS facility meets user agency's schedules and standards for quality and completeness. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

Article 38.—STANDARDS FOR SECURITY AND CONFIDENTIALITY

1-38-1. General. Current and pending advances in the technology of data processing provide opportunities for acquiring, storing and interrelating very large files of data. These interrelated files and the computer programming techniques which control them are referred to, respectively, as "data bases" and "data base management systems." Although these data may be in the physical custody of the director of computer services the formal responsibility for the content, organization, and interrelationships of agency data remains with the organizationally responsible agency officer. If agency data bases become a part of a larger "state data base," formal responsibility for the content, organization and interrelationships then rests jointly with the agencies concerned. The director of computer services provides safeguards for data files (tape, disk), data transaction (both electronic and physically submitted), and computer programs, program libraries and all operating system programs and proprietary systems. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-38-2. Facility security. Access to the DCS computer facility shall be limited to those designated individuals who have clearance and who are indispensable to the facility's production processes. Visitors and those persons who have an occasional legitimate need to enter the facility may enter the facility under escort after registering their name, organization and purpose. (Authorized by K.S.A. 75-3706, 75-4703; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1978.)

1-38-3. Physical security of data files, program libraries, operating and proprietary systems. DCS shall provide a safe, secure and controlled environment within the facility for tape and disk libraries of data and programs in active use. DCS shall provide fireproof and tightly secured storage for duplicate ("backup") copies of program libraries, archival or confidential data, and operating or proprietary programming systems. All tape files in active use shall be under library control, either by a user agency tape librarian or by DCS tape librarians. The DCS library system controls the release of magnetic tape to users, preserves recorded tape through its expiration date, and maintains the quality of tape through a tape cleaning and testing program. All magnetic disk files, both permanently mounted and mountable on call, are under the assignment control of the DCS systems programming group. The procedures required to "backup" or duplicate files for security are implemented by the systems programming group for multiple user files, and by user agency data processing managers for single-user (agency) magnetic disk files. (Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

1-38-4. Control of locally submitted production. "Local submission" refers to data processing jobs, programs and data physically submitted to the operations control group. Work for which operational responsibility has been transferred to operations control will be controlled through the production process in conformance to job requirements specified in documentation. This may include batch controls, quality controls, etc., as defined by the user. (Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

1-38-5. Restoration of services in event of disaster; minimum plan. The director, DCS, after consultation with agency heads or their designees shall prescribe the actions to be taken to restore essential services in the event of natural disaster, civil disturbance, fire or water damage, or extensive and prolonged interruption to power. The plan for restoration of services must consider, as a minimum, the following: (a) Alternate computer processing sites. If an alternate state facility is to be used, plans must include preparation of duplicate files in the manner to make them usable at the alternate site. Operational requirements of the alternate site will be maintained and made available to DCS users.

(b) Periodic duplication of essential data files

and retention of transaction files to allow reconstruction to current status.

(c) Duplication and maintenance of operating systems and applications programs in current status, as required.

(d) Duplication of program documentation and run books in current status, as required.

(e) Periodic duplication of computer systems accounting and performance data, as required. (Authorized by K.S.A. 75-3706, 75-4703; effective May 1, 1978.)

Article 39.—OFFICE OF ADMINISTRATIVE HEARINGS

1-39-1. Definitions. (a) As used in this article, the words and phrases defined by K.S.A. 77-502 and amendments thereto shall have the meanings ascribed to them in that statute.

(b) The following terms shall be defined as follows.

(1) “Office” means the office of administrative hearings within the department of administration.

(2) “Director” means the director of the office of administrative hearings.

(3) “KAPA” means the Kansas administrative procedure act, K.S.A. 77-501 et seq. (Authorized by and implementing K.S.A. 75-37,121; effective Nov. 20, 1998.)

1-39-2. Administrative law judges. The provisions of articles 1 through 14 of the regulations of the secretary of administration shall apply in their entirety to each administrative law judge of the office and shall control the following:

(a) The qualifications for administrative law judges;

(b) the procedures by which candidates for an administrative law judge position will be considered for employment;

(c) the manner in which public notice of vacancies will be given; and

(d) the standards and procedures for the evaluation, training, promotion, and discipline of administrative law judges. (Authorized by and implementing K.S.A. 75-37,121; effective Nov. 20, 1998.)

1-39-3. Assignment of administrative law judges. (a) Any state agency head or a designee may request that the director assign an administrative law judge to act as the presiding officer in an administrative hearing that is neither subject to KAPA nor listed in K.S.A. 77-551 and

for which the agency head is responsible. The request may be made in writing, by telephone, or by electronic transmission.

(b) Upon receiving a request for assignment of an administrative law judge, an administrative law judge of the office shall be assigned by the director, unless the director determines that the existing caseloads of the administrative law judges would prevent the office from providing a timely hearing or unless there is a conflict that would subject the administrative law judges to disqualification. In making an assignment, the relative experience, caseloads, and expertise of the office’s administrative law judges, as well as potential conflicts, time frames, and other relevant resources and factors, may be considered by the director.

(c) After the assignment of an administrative law judge, the requesting state agency shall forward to the director written documentation of the basis for the administrative hearing, which may include any of the following materials:

(1) A request for an administrative hearing;

(2) a petition for a hearing from a party to the state agency proceedings;

(3) the order that is the subject of the request for a hearing; or

(4) other documentation of the event or action that forms the basis for the administrative hearing under applicable law. (Authorized by and implementing K.S.A. 75-37,121; effective Nov. 20, 1998.)

1-39-4. Conduct of proceedings. (a)(1) Each administrative hearing to which an administrative law judge is assigned under K.S.A. 75-37,121(b) shall be conducted in accordance with KAPA, except to the extent that other applicable statutes or regulations provide otherwise.

(2) Each hearing to which an administrative law judge is assigned under K.S.A. 75-37,121(d) shall be conducted in accordance with any applicable statutes, regulations, ordinances, or other law.

(b) All parties to the state agency proceedings may be required by the administrative law judge or the director to submit motions, objections, briefs, and other pleadings in a format established by the director and with the number of copies prescribed by the director.

(c)(1) When an administrative law judge is assigned to a hearing under K.S.A. 75-37,121(b), the order issued by the administrative law judge shall

contain the elements required under KAPA or other applicable statute or regulation.

(2) When an administrative law judge is assigned to a hearing under K.S.A. 75-37,121(d), the order issued by the administrative law judge shall contain the elements required under any applicable statutes, regulations, ordinances, or other law.

(3) Each order issued by an administrative law judge of the office shall be in a format approved by the director. (Authorized by and implementing K.S.A. 75-37,121; effective Nov. 20, 1998.)

Articles 40 through 44.—RESERVED

Article 45.—MOTOR VEHICLE PARKING ON CERTAIN STATE-OWNED OR -OPERATED PROPERTY IN SHAWNEE COUNTY

1-45-1. (Authorized by and implementing K.S.A. 75-3706, 75-4506; effective May 1, 1979; amended Oct. 26, 2001; revoked Feb. 28, 2003.)

1-45-2 and 1-45-3. (Authorized by K.S.A. 75-3706, 75-4507; effective May 1, 1979; revoked Feb. 28, 2003.)

1-45-4. (Authorized by K.S.A. 75-3706, 75-4506, and 75-4507; implementing K.S.A. 75-4506; effective May 1, 1979; amended Nov. 22, 1996; revoked Feb. 28, 2003.)

1-45-5 and 1-45-6. (Authorized by K.S.A. 75-3706, 75-4507; effective May 1, 1979; revoked Feb. 28, 2003.)

1-45-7. (Authorized by K.S.A. 75-3706, 75-4506; implementing K.S.A. 75-4506; effective May 1, 1979; amended May 1, 1981; amended, T-87-17, July 1, 1986; amended May 1, 1987; amended Nov. 22, 1996; amended Oct. 26, 2001; revoked Feb. 28, 2003.)

1-45-7a. (Authorized by K.S.A. 75-3706, 75-4506, and 75-4507; implementing K.S.A. 75-4506; effective, T-1-7-2-01, July 2, 2001; effective Oct. 26, 2001; revoked Feb. 28, 2003.)

1-45-8. (Authorized by K.S.A. 75-3706, 75-4506, and 75-4507; implementing K.S.A. 75-4506; effective May 1, 1979; amended Nov. 22, 1996; revoked Feb. 28, 2003.)

1-45-9 through 1-45-13. (Authorized by K.S.A. 75-3706, 75-4507; effective May 1, 1979; revoked Feb. 28, 2003.)

1-45-14. (Authorized by K.S.A. 75-3706 and 75-4507; implementing K.S.A. 75-4507; effective May 1, 1979; amended Sept. 14, 1992; revoked Feb. 28, 2003.)

1-45-15. (Authorized by K.S.A. 75-3706, 75-4507; effective May 1, 1979; amended, T-1-11-12-02, Nov. 12, 2002; revoked Feb. 28, 2003.)

1-45-16. (Authorized by K.S.A. 75-3706; implementing K.S.A. 75-4507; effective May 1, 1979; amended Jan. 6, 1992; amended, T-1-11-12-02, Nov. 12, 2002; revoked Feb. 28, 2003.)

1-45-17. (Authorized by K.S.A. 75-3706, 75-4507; effective May 1, 1979; revoked Feb. 28, 2003.)

1-45-18. Definitions and application of regulations. (a) The following definitions shall apply to these regulations:

(1) “Director” means the director of facilities management.

(2) “Motor vehicle” shall have the meaning prescribed by K.S.A. 8-126, and amendments thereto.

(3) “Parking permit” or “permit” means a decal, hang tag, electronic key card, or any other form of parking authorization specified and issued by the secretary, which shall be displayed in a manner determined by the secretary.

(4) “Person” means the individual, partnership, corporation, association, or governmental body to whom a motor vehicle is registered as provided in K.S.A. 8-127, and amendments thereto.

(5) “Secretary” means the secretary of administration or the secretary’s designee.

(6) “State agency” shall have the meaning prescribed by K.S.A. 75-4112, and amendments thereto.

(7) “Visitor” means a person who is not eligible to enter into a parking contract for the parking lot in which that person’s vehicle is parked.

(b) Each vehicle parked upon any state-owned or state-operated property in Shawnee County, Kansas shall be parked in compliance with these regulations. These regulations shall not apply to any of the following:

(1) State-owned or state-operated property in Shawnee County, Kansas, that is under the jurisdiction and control of any of the following:

- (A) The department of corrections;
- (B) the Kansas neurological institute;
- (C) the juvenile justice authority; or
- (D) the Kansas national guard;

(2) the facilities governed by article 46 of these regulations; or

(3) the state highway shops and laboratory. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004; amended July 23, 2004.)

1-45-19. Application for a parking contract and issuance of a parking permit. (a) Any state employee or state agency may request to enter into a parking contract for a parking location at which parking is restricted to vehicles that display a parking permit by submitting an application in the form and manner determined by the secretary, except that eligibility to enter into a parking contract for those parking locations may be limited to those state employees and state agencies with offices located in buildings and facilities specified by the secretary as associated with the requested parking location.

(b) These regulations shall be considered to be part of each parking contract, and each state employee or state agency entering into a parking contract shall agree to abide by all applicable regulations.

(c) A unique parking permit shall be issued for each parking contract that is executed by a state employee or state agency. The parking permit shall be issued only after the state employee or state agency has signed the written parking contract and, where required, paid the fee prescribed by K.A.R. 1-45-21 or K.A.R. 1-45-22.

(d) Each parking permit shall be in a form designated by the secretary. Each state employee or state agency to which a parking permit is issued shall display the permit in the manner specified by the secretary. Only one parking permit shall be issued per parking contract, except that, if the secretary determines that a parking permit is to be displayed by permanently affixing the permit to the vehicle, the parking permit may be issued to a state employee in a manner that permits display of the parking permit in a maximum of two vehicles. Any permit issued to a state agency may be restricted by time period or location, or both.

(e) When a parking contract is cancelled or terminated, the parking permit issued in connection with that parking contract shall be invalid and shall be returned to the secretary.

(f) A temporary parking permit authorizing parking in a stated location or locations for a spec-

ified period of time may be issued if the secretary determines that doing so would facilitate conduct of official state business, assist any individual who is visiting a facility located on property subject to these regulations, or otherwise be in the best interests of the state. Each application for a temporary parking permit and for renewal or extension of a temporary parking permit shall be submitted in the form and manner designated by the secretary. Each temporary parking permit shall be in a form designated by the secretary, shall be displayed in the manner specified by the secretary, and may be subject to other reasonable conditions established by the secretary. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506 and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004; amended July 23, 2004.)

1-45-20. Parking permit required. (a) The provisions of this regulation shall apply only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted, and to those locations at which parking is restricted to vehicles displaying a parking permit.

(b) Except as otherwise expressly indicated in this regulation, a motor vehicle shall not be parked in any of the parking locations subject to this regulation, unless the motor vehicle plainly displays a parking permit that authorizes the motor vehicle to be parked in that parking location. A motor vehicle with a parking permit shall not be parked on the statehouse grounds, in a parking lot or garage other than the location for which the parking permit has been issued, or in stalls that are designated for visitors.

(c)(1) Any motor vehicle displaying the appropriate parking permit for that particular parking lot or garage may be parked in any parking stall that is not specifically marked as reserved, or that is not specifically designated or posted for the use and benefit of specified vehicles, state agencies, or state employees.

(2) Each motor vehicle displaying a temporary permit for parking shall be parked only in those locations specified by the temporary permit and only on those dates and for the length of time specified by the temporary permit.

(d) At no time shall more than one vehicle per parking contract use the parking permit for that contract to park at locations subject to this regulation.

(e) Each parking permit shall be used only by the employee or state agency to which that parking permit is issued. Parking contracts, parking permits, and temporary permits shall not be loaned, assigned, sublet, or in any other manner permitted to be used by any other individual. If a parking permit is designed to be permanently affixed to a specific vehicle, that parking permit shall not be used for parking any motor vehicle other than that for which it was specifically issued, except with the prior permission of the secretary. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506 and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004; amended July 23, 2004.)

1-45-21. Parking fees. (a)(1) Before January 1, 2007, the parking permit fee, where required, shall be as follows, except as provided in K.A.R. 1-45-22:

(A) Reserved spaces.

(i) State agencies \$17.50 per month

(ii) state employees ... \$8.08 per biweekly fee period

(B) Nonreserved spaces.

(i) State agencies \$15.00 per month

(ii) state employees ... \$6.92 per biweekly fee period

(2) Effective on and after January 1, 2007, the parking permit fee, where required, shall be as follows, except as provided in K.A.R. 1-45-22:

(A) Reserved spaces.

(i) State agencies \$25.00 per month

(ii) state employees .. \$11.54 per biweekly fee period

(B) Nonreserved spaces.

(i) State agencies \$20.00 per month

(ii) state employees ... \$9.24 per biweekly fee period

(3) The parking permit fee shall be waived for any vehicle in the state vanpool or for any carpool that has as passengers three or more state employees who have jointly signed a parking contract and who have been jointly issued a parking permit.

(b) Parking permit fees shall be paid in advance. Each state employee who enters into a parking contract shall pay the biweekly parking fee by payroll deduction, except for any fee periods or portion of a fee period before the payroll deduction application is processed.

(c) The parking fee shall not be prorated, and

no refunds shall be made for any unused portions of a fee period. The payment of permit fees shall be a continuing obligation until terminated in writing by either party to a parking contract.

(d) Metered spaces in designated visitor parking areas shall be charged at the rate of \$.60 per hour. (Authorized by K.S.A. 75-3706, K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1, and K.S.A. 75-4507; implementing K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1; effective Feb. 28, 2003.)

1-45-22. Parking fees for state parking garage. (a) "State parking garage" means the parking garage located on Jackson avenue between 10th and 11th streets that is owned by the Topeka public building commission and operated by the state of Kansas.

(b)(1) Notwithstanding the provisions of K.A.R. 1-45-21, the following parking fees shall apply during the fiscal year beginning July 1, 2002, to state agencies and state employees with parking contracts for the state parking garage:

(A) State employees \$21.19 per biweekly fee period

(B) state agencies \$45.90 per month.

(2) On July 1 of fiscal year 2004, the parking fees established under paragraph (b)(1) shall be increased by 2%. On July 1 of each subsequent fiscal year through fiscal year 2031, the parking fees from the prior fiscal year shall be increased by an additional 2%.

(3) Parking permit fees shall be paid in advance. Each state employee who enters into a parking contract for the state parking garage shall pay the biweekly parking fee by payroll deduction, except for any fee periods or portion of a fee period before the payroll deduction application is processed.

(c) If space in the state parking garage is made available to members of the public either for parking contracts or for short-term parking, the following parking fees shall apply to members of the public:

(1) Members of the public with a parking contract shall pay a monthly rate established under the terms of the parking contract.

(2) Members of the public without a parking permit shall be charged parking fees at the rate of \$.60 per hour or \$5.00 per day.

(d) The parking fee shall not be prorated, and no refunds shall be made for any unused portions of a month or fee period. The payment of parking

fees shall be a continuing obligation until terminated in writing by either party to a parking contract. (Authorized by K.S.A. 75-3706, K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1, and K.S.A. 75-4507; implementing K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1; effective Feb. 28, 2003.)

1-45-23. Parking restrictions. Unless otherwise authorized by the secretary or the secretary's designee for reasons of business or emergency, a motor vehicle shall not be parked in any of the following locations:

- (a) A tunnel or archway;
- (b) a pedestrian walk;
- (c) a driveway;
- (d) any location other than within a marked parking stall;
- (e) any location in which the vehicle is double-parked; or
- (f) in any location in which the vehicle is parked in a manner contrary to posted signs indicating "no parking" or any other parking restrictions. In lieu of posting "no parking" signs or signs indicating any other parking restrictions, any officer of the capitol area security patrol or any designee or agent of the director may lawfully prohibit or direct the parking of a motor vehicle upon any property subject to these regulations. The order of an officer of the capitol area security patrol or a designee or agent of the director shall take precedence over any parking permit or posted sign. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506 and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004; amended July 23, 2004.)

1-45-24. Violations and enforcement. (a) Fines.

(1) Except as provided in paragraph (a)(2), in any parking lot or garage for which parking permits are issued, each person whose vehicle is parked in violation of any of these regulations shall be subject to the following administrative fines:

- (A) First violation: \$3 fine;
- (B) second violation: \$10 fine;
- (C) third violation: \$25 fine; and
- (D) each violation after the third violation: the person's vehicle shall be subject to one of the following:
 - (i) being mechanically immobilized, subject to subsection (d); or

(ii) being removed, as specified in subsection (c).

A violation shall be deemed to have occurred each time that a motor vehicle is found to be parked in a manner prohibited by these regulations, except that a second or subsequent violation shall not be deemed to have occurred on the same day when that motor vehicle continues in the same violation at the same location.

(2) In metered visitor parking areas, each person whose vehicle is parked after the expiration of the paid meter time or otherwise in violation of these regulations shall be subject to the following fines:

- (A) First violation: \$3 fine; and
- (B) subsequent violations in the same day and at least two hours after the previous violation: \$10 fine for each violation.

The administrative fines specified in this paragraph (a)(2) shall apply only to vehicles not bearing a parking permit. Each person whose vehicle bears a parking permit and is parked in violation of this paragraph (a)(2) shall be subject to the fines specified in paragraph (a)(1).

(3) Persons paying the administrative fines specified in this regulation shall not be deemed guilty of violating these regulations under K.S.A. 75-4508, and amendments thereto, and shall not be subject to the criminal penalties prescribed by K.S.A. 75-4508, and amendments thereto. An administrative fee of \$25.00 shall be assessed to each person who does not pay the administrative fine specified in this regulation within 90 days of the date on which the citation was issued or, if the person submits an appeal as provided under subsection (b), within 90 days of the date on which the hearing officer affirms the fine.

(b) Appeal of administrative fines.

(1) Any person who is assessed an administrative fine under this regulation may submit a written appeal of the fine to the director within 10 days of the date on which the fine was assessed.

(2) A hearing officer shall be appointed by the director to consider each appeal. The fine may be affirmed, modified, or vacated by the hearing officer based on the written documentation submitted with the appeal. Before affirming, modifying, or vacating the fine, the person may be requested by the hearing officer to submit additional information in writing or in person.

(3) Written notice of the hearing officer's decision to affirm, modify, or vacate the fine shall be given to the person within 30 days of the date on

which the appeal is received by the director. The decision of the hearing officer shall be considered a final agency action, which may be appealed in accordance with K.S.A. 77-601 *et seq.*, and amendments thereto.

(c) Removal of vehicles. In addition to any criminal penalties imposed under K.S.A. 75-4501 *et seq.* and amendments thereto or any administrative fines assessed under this regulation, any motor vehicle, whether privately or publicly owned, that is parked in violation of any of these regulations may be deemed to be a common nuisance. Upon the direction of the secretary, the nuisance may be abated through removal and impoundment of the motor vehicle. The cost of the abatement by removal and impoundment shall be a lien against the motor vehicle until paid to the director or the director's designee.

(d) Costs of immobilization. Each person whose vehicle is mechanically immobilized as provided in paragraph (a)(1)(D)(i) shall be assessed the costs incurred by the director for immobilizing the vehicle and removing the immobilization device.

(e) Termination of parking contract. Any parking contract may be terminated and any parking permit may be revoked by the secretary for any violation of the terms and conditions of the parking contract, these regulations, or any statute pertaining to parking. Each individual whose contract is terminated under this subsection shall be ineligible for a new parking contract until all other individuals eligible for parking contracts for whom space was not available at the time the individual's parking contract was terminated have been given an opportunity to enter into a parking contract. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, K.S.A. 75-4507, and K.S.A. 2003 Supp. 75-4508; implementing K.S.A. 75-3762, K.S.A. 2003 Supp. 75-4506 and K.S.A. 2003 Supp. 75-4508; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004; amended July 23, 2004.)

Article 46.—PARKING FOR THE STATEHOUSE

1-46-1. Applicability. (a) The provisions of this article shall apply only to parking on the statehouse grounds unless expressly stated otherwise. Except as provided in K.A.R. 1-46-3, these regulations shall apply:

(1) between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted;

(2) between 8:00 a.m. and noon on Saturday, holidays excepted; and

(3) during any other time that either chamber of the legislature is meeting in session.

(b) "Statehouse grounds" means the area bounded by 8th, 10th, Jackson, and Harrison streets in Topeka, Kansas.

(c) "Person" means:

(1) the individual, partnership, corporation, association, or governmental body to whom the motor vehicle is registered pursuant to K.S.A. 8-127, as amended; or

(2) a person who has lawful possession of a motor vehicle pursuant to a lease entered into for valuable consideration, including assignments of motor vehicles to individuals or state agencies in accordance with K.S.A. 75-4601 *et seq.*, and any amendments thereto, and rules and regulations promulgated thereunder.

(d) The term "motor vehicle" shall have the meaning prescribed by K.S.A. 8-126 as amended. (Authorized by K.S.A. 75-3706 and 75-4507; implementing K.S.A. 75-4507; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended Sept. 14, 1992.)

1-46-2. Parking restrictions. Unless the secretary of administration has specifically authorized otherwise, for reasons of business or emergency, no person shall: (a) Park a motor vehicle or permit his or her motor vehicle to be parked upon the statehouse grounds without a permit issued under the authority of this article.

(b) Park a motor vehicle or permit his or her motor vehicle to be parked, whether or not the motor vehicle displays an authorized parking permit, contrary to any sign posted by the capitol area security patrol, or contrary to any order of an officer of the capitol area security patrol upon the statehouse grounds. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-3. Additional parking restrictions. Unless otherwise authorized by the secretary of administration for reasons of business or emergency, no person shall, at any time, park a motor vehicle or permit that person's motor vehicle to be parked so that it is: (a) double-parked in a tunnel or archway;

(b) on a pedestrian walk;

(c) in a driveway;

(d) backed into a parking stall; or

(e) not within a marked parking stall. (Authorized by K.S.A. 75-3706 and 75-4507; implementing K.S.A. 75-4507; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended Sept. 14, 1992.)

1-46-4. Violations. Parking a motor vehicle in violation of any provision of this article shall constitute a misdemeanor under K.S.A. 75-4508, as amended, or under K.S.A. 75-4510a, as amended, or both. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-5. Tow-away. Any motor vehicle parked in violation of K.S.A. 75-4510a, as amended, may be removed and impounded in accordance with K.S.A. 75-4510, as amended. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-6. Issuance of permits. The secretary of administration shall issue permits for parking on the statehouse grounds in accordance with this article of the rules and regulations of the department of administration. No fee or other charge shall be made for issuance of any permit to park on the statehouse grounds, and no contract for such parking shall be made. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-7. Legislative department. In addition to permits issued to legislators under K.A.R. 1-46-18, the secretary of administration shall issue not more than sixty-five (65) permits for parking on the statehouse grounds to officers and employees of the legislative department. Not more than twenty-five (25) of such permits shall allow parking on the statehouse grounds throughout the year, and the remainder of such permits shall allow such parking except during the time when the legislature is in session. Permits authorized by this regulation shall be issued to persons designated by the director of legislative administrative services. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-8. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; revoked May 1, 1979.)

1-46-9. Executive department. (a) The

secretary of administration shall issue to officers and employees of the executive department not more than seventy-five (75) permits allowing parking on the statehouse grounds throughout the year. Included within such number of permits shall be the permits issued to members of the press pursuant to K.A.R. 1-46-13.

(b) The secretary of administration may issue to officers and employees of the executive department permits allowing parking on the statehouse grounds throughout the year, except during the time when the legislature is in session. The number of such permits so issued shall be determined by the secretary. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-10 to 1-46-12. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; revoked May 1, 1979.)

1-46-13. Press permits. The secretary of administration may issue permits for parking on the statehouse grounds to regular members of the statehouse press. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-14. Monument parking. The secretary of administration shall provide on the statehouse grounds not less than twenty-five (25) parking spaces that are appropriately designated by monuments for offices and positions within the executive and legislative departments. At least ten (10) of such monument parking spaces shall be for the executive department to be assigned by the secretary of administration, and at least fifteen (15) of such monument parking spaces shall be for the legislative department, to be assigned by the legislative coordinating council through the director of legislative administrative services.

The secretary of administration may establish additional monument parking spaces for the executive or the legislative department at his or her discretion. Monument parking spaces assigned to the legislative and executive departments shall be counted in the total number of permits authorized for each department by K.A.R. 1-46-7 and 1-46-9. Those persons holding titles for which monuments are provided shall be the only persons permitted to park in monument spaces, except that any other person may be permitted to use the

monument space upon written authorization of the title-holder supplied to a member of the capitol area security patrol or to the secretary of administration. A monument shall not be provided for any officer or employee who does not work primarily in the capitol. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

I-46-15. Transfer of a permit. No permit issued for the statehouse grounds may be used by any other person or used for the parking of any motor vehicle other than one (1) owned or leased by a permittee. Exceptions to this regulation may be granted, but only in advance, by the secretary of administration for a member of the executive department, or by the legislative coordinating council through the director of legislative administrative services for a member of the legislative department. A maximum of two (2) decals shall be authorized for each parking permit holder. In the event a permittee operates a vehicle which does not bear a decal, notice of decal number and license tag of such substitute vehicle shall be provided to the security officers of the highway patrol stationed in the state office building. (Authorized by and implementing K.S.A. 75-4507; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1981.)

I-46-16. Parking restricted by signs. The secretary of administration shall direct the capitol area security patrol to post signs in order to restrict parking on the statehouse grounds as follows: (a) At least thirty-two (32) spaces in the southwest quadrant shall be signed for "visitor parking" while the legislature is both in and out of session.

(b) At least twelve (12) spaces not occupied by monuments in the northeast quadrant shall be signed for "legislators only" while the legislature is out of session.

(c) At least one hundred thirty (130) spaces shall be signed "legislators only" while the legislature is in session.

(d) All spaces not occupied by monuments, and not specified by (a), (b), or (c) above, may be signed at the secretary's discretion as follows: "permit parking only," "legislators only," "visitor parking," or "construction parking." (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

I-46-17. Peak-load legislative parking. When all of the parking spaces signed for "legislators only" are occupied, any legislator may park in any space signed for "permit parking only," or in parking provided elsewhere by the secretary of administration. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

I-46-18. Official parking for legislators. The secretary of administration shall issue through the director of legislative administrative services, one (1) parking permit to each legislator during the first three (3) weeks in January of each odd-numbered year. Each legislative permit shall be effective during the two-year period commencing with issuance. The secretary shall obtain official parking stickers from the state printer who shall not provide identical or similar stickers to any other person. The official parking stickers shall be evidence of a permit issued under this regulation and shall be affixed on the motor vehicle of the legislator as follows: one (1) sticker on the lower left corner of the front windshield and one (1) in the lower left corner of the rear window. A permit issued under this regulation shall be the only permit required of a legislator to park on the statehouse grounds, if the motor vehicle so parked properly displays official parking stickers. Whenever a motor vehicle which has no official parking stickers affixed thereto is sold or the legislator to whom the stickers were issued is no longer a member of the Kansas legislature, such stickers shall be removed by the legislator or former legislator from the motor vehicle. Whenever a vacancy shall occur in the legislature and a new member is appointed to fill the vacancy, the secretary of administration shall issue a parking permit and official parking stickers to the new member for the same term as other original permits were issued. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

I-46-19. Additional parking stickers for legislators. Additional sets of official parking stickers for any legislator shall be issued by the secretary of administration when application therefor is made to the director of legislative administrative services. Additional sets of stickers shall be affixed in the same manner as initial sets of stickers on the windshields of additional motor vehicles owned or leased by the legislator. Replacement of official parking stickers shall be is-

sued by the secretary of administration upon appropriate showing of need. Notwithstanding the fact that a legislator may have more than one (1) set of official parking stickers, no legislator shall have parked upon the statehouse grounds at any one time more than one (1) motor vehicle under the authority of either official parking stickers or a permit issued in accordance with these rules and regulations. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-20. Remote parking south of 10th street and 8th and Harrison. The secretary of administration shall issue permits to employees and officers of the legislative branch for parking in the state lot located at 8th and Harrison Streets, Topeka, whether or not the legislature is in session. The permits shall be issued in accordance with lists provided to the secretary by the director of legislative administrative services. The secretary shall provide when the legislature is in session two hundred (200) parking spaces south of 10th street, and issue permits therefor to employees of the legislative branch in accordance with lists furnished by the director of legislative administrative services. The secretary may also provide parking spaces south of 10th street and issue permits therefor to employees of the executive branch whose main duty assignments are in the state capitol building. The provisions of this article shall apply to parking authorized under this regulation to the same extent as to parking on the statehouse grounds. No fee or other charge shall be made for issuance of any permit to park under authority of this regulation and no contract for such parking shall be made. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended, E-80-6, May 15, 1979; amended May 1, 1980.)

1-46-21. Additional parking in Topeka. The secretary of administration shall have the authority to negotiate with appropriate officials of the city of Topeka for parking privileges in the proximity of the statehouse grounds, particularly along the south curblane of 8th street and the north curblane of 10th street. This parking shall be used during legislative sessions for officers and employees of the legislative and executive branches working in the statehouse not accommodated with sufficient parking on the statehouse grounds proper. Such officers and employees shall

be those officers and employees who hold permits for parking on the statehouse grounds, except during the time the legislature is in session, and such additional legislative officers and employees as are designated by the legislative coordinating council. Whenever a permittee to park on the statehouse grounds is unable to find an appropriate parking space on the statehouse grounds, he or she may park in such additional areas designated by the secretary of administration. No fee or other charge shall be made for issuance of any permit to park under authority of this regulation and no contract for such parking shall be made. Parking provided under this regulation shall be in addition to all other parking provided under this article. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended, E-80-6, May 15, 1979; amended May 1, 1980.)

1-46-22. Temporary permits. In addition to other permits authorized under these regulations, the secretary of administration may provide for temporary parking permits for display on motor vehicles of persons visiting the statehouse or for such other good and sufficient reason as the secretary may determine. Persons whose motor vehicles display a temporary permit for parking issued by the secretary may park within parking stalls marked or posted by the secretary as available for temporary parking on such date and for such length of time as the individual temporary permit issued and displayed shall state. The secretary shall not issue or authorize to be issued any temporary permit to park at any place on the statehouse grounds, except in such area as is regularly designated as "visitor parking" or "guest parking" under K.A.R. 1-46-16 (a) or (d). Applications for temporary permits or a renewal or extension thereof shall be made upon such conditions as the secretary may establish. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-23. Display of permits. Every motor vehicle authorized by these regulations to be parked upon state-owned or operated property subject to these regulations, except motor vehicles properly displaying official parking stickers of legislators, shall display the permit decal issued by the secretary. The permit decal shall be placed in the lower left corner of the windshield of the authorized motor vehicle by a member of the capitol

area security patrol unless otherwise authorized by the secretary. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-46-24. Kansas judicial center parking. The secretary of administration may issue contracts and permits for parking in the underground garage of the Kansas judicial center. Such permits shall be issued only for employees and officials working in the judicial center. Those motor vehicles displaying a permit valid for the underground garage of the judicial center shall not be allowed to park elsewhere upon the statehouse grounds. The permits shall be issued in accordance with lists provided to the secretary by the chief justice of the supreme court and by the attorney general. The provisions of this article shall apply to parking authorized under this rule to the same extent as to parking on the statehouse grounds. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective May 1, 1979.)

Article 47.—VEHICLE TRAFFIC

1-47-1. Applicability. (a) Except as otherwise specified in these regulations, no person shall drive or otherwise operate any motor vehicle, bicycle, or any other vehicle intended to transport a person or persons, whether publicly or privately owned, upon any state-owned or state-operated property in Shawnee County, Kansas, in violation of these regulations or in contravention of the lawful directions of an officer of the capitol area security patrol. Exceptions to these regulations may be authorized by the secretary to allow for emergencies, public functions, deliveries of goods, repairs, or maintenance.

(b) These regulations shall not apply to any of the following:

(1) State-owned or state-operated property in Shawnee County, Kansas, that is under the jurisdiction and control of any of the following:

- (A) The secretary of corrections;
- (B) the Kansas neurological institute;
- (C) the juvenile justice authority; or
- (D) the Kansas national guard; or

(2) the state highway shops and laboratory. (Authorized by K.S.A. 75-3706 and 75-4505; implementing K.S.A. 75-3762 and 75-4505; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended June 6, 2003.)

1-47-2. Speed limits. No person shall drive

or otherwise operate a vehicle using any driveway or roadway designed for vehicle traffic on state-owned or operated property subject to these rules and regulations at a speed in excess of fifteen (15) miles per hour, except as otherwise posted by the secretary, or as otherwise provided in these rules and regulations. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-47-3. Traffic flow. No person shall drive or otherwise operate a vehicle in the opposite direction on a driveway or roadway designed or posted for one-way traffic flow. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-47-4. Stop signs. No person driving or otherwise operating a vehicle shall fail to bring that vehicle to a complete stop at any stop sign as may be posted by the secretary. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-47-5. Right-of-way. No person driving or otherwise operating a vehicle shall fail to yield the right of way to any pedestrian at any marked pedestrian crosswalk or sidewalk. No person shall fail to yield the right of way, in any circumstance, to any pedestrian or vehicle in order to avoid a collision. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-47-6. Travel only on drives or roads. No person shall drive or otherwise operate a vehicle on other than a driveway or roadway intended and designed for motor vehicle traffic unless the secretary has posted otherwise. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

1-47-7. Penalties and enforcement. Any person who shall violate any of these rules and regulations shall be subject to arrest and prosecution and the penalties provided by law. (Authorized by K.S.A. 75-3706, 75-4501 *et seq.*; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979.)

Article 48.—PARKING VEHICLES; 801 HARRISON

1-48-1 to 1-48-5. (Authorized by K.S.A. 75-3706, K.S.A. 1965 Supp. 75-3622; effective Jan. 1, 1966; revoked May 1, 1975.)

**Article 49.—PERSONAL CONDUCT;
CERTAIN BUILDINGS AND GROUNDS**

1-49-1. Personal conduct limitations and animal restrictions. (a) No person shall climb upon or hang over any rotunda, hall or portico, railing, or stair railing located in or upon any of the following properties:

- (1) The statehouse;
- (2) the Kansas judicial center;
- (3) Docking state office building, 915 SW Harrison;
- (4) Landon state office building, 900 SW Jackson;
- (5) the memorial building, 120 SW 10th;
- (6) Forbes office building #740;
- (7) the division of printing plant, 201 NW MacVicar;
- (8) the state office building located at 3440 SE 10th Street;
- (9) the Dillon house, 404 SW 9th Street.
- (10) the Curtis state office building, 1000 SW Jackson;
- (11) the state office building located at 700 SW Harrison; or
- (12) any other building located in Shawnee County that is operated by the secretary of administration.

(b) No person shall run up or down the halls or stairways, or crowd, push, or shove any other person upon the stairways of any of the buildings listed in subsection (a).

(c) No person shall swim or wade in any fountain located on the grounds of any of the buildings listed in subsection (a), nor shall any person permit any animal under that person's care to enter the fountain.

(d) Except as provided in subsection (e), no person shall bring any animals into any of the buildings listed in subsection (a).

(e)(1) Guide dogs, hearing assistance dogs, and service dogs shall be permitted in the buildings identified in subsection (a) for the purpose of assisting disabled persons.

(2) Upon the request of a state agency, permission to bring animals into any of the buildings identified in subsection (a), or into a particular area within one of those buildings, may be granted by the secretary of administration if this action will assist a state agency in attaining an objective or goal that bears a valid relationship to the powers and functions of the state agency. (Authorized by K.S.A. 75-3706 and 75-4505; implementing

K.S.A. 75-4505 and 75-3762; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1979; amended Nov. 18, 1991; amended June 27, 1994; amended May 26, 2000; amended June 6, 2003.)

1-49-2. Trash. Bottles, cups, food containers, or other trash shall not be left upon the stairways, or anywhere in the hallways of any buildings or upon the grounds of buildings listed in K.A.R. 1-49-1, but shall be placed in containers provided for the purpose. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-3. Eating on grounds. Lunches or picnics sponsored by private groups shall not be held upon any of the grounds, stairways, or hallways of any of the buildings listed in K.A.R. 1-49-1, except upon prior approval by the secretary of administration. (Authorized by K.S.A. 75-3697, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-4. Unnecessary noise. Persons in the halls or upon the stairways of any buildings listed in K.A.R. 1-49-1, shall refrain from boisterous, noisy conduct or shouting. Groups of five or more children under the age of eighteen years shall be in the charge of some adult person who shall be held responsible for the conduct of the children. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-5. Damage to public property. No person shall write, scratch, cut or otherwise deface or damage any of the walls, floors, woodwork, doors, glass or other public property located in or on any of the buildings or grounds of buildings listed in K.A.R. 1-49-1. Any person violating this regulation shall be prosecuted as provided by law. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-6. Dome visitors. (a) No person under eighteen (18) years of age shall be permitted to visit the dome of the capitol building unless accompanied by an adult. The adult shall be held responsible for any person or persons under the age of eighteen (18) years within the capital dome area under his or her supervision.

(b) Any child under eighteen (18) years of age within the dome area shall remain in the imme-

diate company of the adult responsible for his or her supervision. No adult shall permit any child under his or her supervision to run ahead or lag behind, or otherwise leave the immediate area in which the adult may be located.

(c) No person shall leave the designated stairways or walkways within the dome area. No person shall climb upon any girders or supporting beams located within the dome area. No person shall go upon either the glass, girders or catwalks of the glass inner dome ceiling. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-7. General dome provisions. (a) No person shall carry into the dome any bottle, cup or other trash. No person shall litter or drop any article whatsoever from any steps within the dome or from the observation tower outside the upper dome.

(b) All persons within the dome area shall carefully and promptly follow the directions of any official state guard or guide on duty therein. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-8. State office building observation tower. The provisions of K.A.R. 1-49-7 shall be equally applicable to persons visiting the observation tower of the state office building. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1979.)

1-49-9. Penalty and enforcement. Any person violating any of these regulations may be expelled and ejected from any of the buildings or grounds of buildings listed in K.A.R. 1-49-1. If any person is responsible for damage to or destruction of public property as the result of violation of these regulations he or she may be prosecuted as provided by law. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1979.)

1-49-10. Prior approval of activities. No person shall post any notices or petitions upon any of the grounds or in any of the public areas of the buildings listed in K.A.R. 1-49-1, except on the bulletin board of an agency when the consent of the agency has been secured. No person shall conduct any meeting, demonstration or solicitation on any of the grounds or in any of the buildings listed in K.A.R. 1-49-1 without the prior permission of

the secretary of administration or the secretary's designee. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-3762; effective May 1, 1978; amended May 1, 1979.)

1-49-11. Possession of firearms prohibited. The provisions of K.S.A. 1992 Supp. 21-4218, as amended, with respect to possession of firearms shall apply to all state-owned or leased buildings in which the agency or agencies occupying the building have conspicuously placed signs clearly stating that firearms are prohibited within that building. (Authorized by 75-3706, 75-4505; implementing K.S.A. 1992 Supp. 21-4218, as amended by L. 1992, ch. 298, sec. 80; effective Dec. 27, 1993.)

1-49-12. Smoking prohibited. No person shall smoke in any of the following areas: (a) In any of the buildings identified in K.A.R. 1-49-1;

(b) in or near the exterior doorways of those buildings, except in any area designated as a smoking area by means of a posted sign; or

(c) in any area designated as a nonsmoking area by means of a posted sign, on the grounds of those buildings. (Authorized by K.S.A. 75-3706 and 75-4505; implementing K.S.A. 75-3762 and K.S.A. 75-4505; effective June 6, 2003.)

Article 50.—MUNICIPAL ACCOUNTING SECTION FEES

1-50-1. (Authorized by and implementing K.S.A. 1981 Supp. 75-3910; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked, T-83-19, July 1, 1982; revoked May 1, 1983.)

1-50-2. (Authorized by and implementing L. 1982, ch. 31, sec. 5; effective, T-83-19, July 1, 1982; effective May 1, 1983; revoked July 12, 1993.)

Article 51.—MOBILE HOMES AND RECREATIONAL VEHICLES—GENERAL

1-51-1 to 1-51-4. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

Article 52.—STANDARDS (Mobile Housing)

1-52-1. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4,

Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

1-52-2. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1213, 75-1220; effective May 1, 1979; revoked May 1, 1982.)

**Article 53.—PLAN APPROVAL
(Mobile Housing)**

1-53-1 and 1-53-2. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**Article 54.—INSPECTION PROGRAM
(Mobile Housing)**

1-54-1 to 1-54-3. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

1-54-4 and 1-54-5. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective, E-76-17, March 27, 1975; effective May 1, 1975; amended May 1, 1976; amended May 1, 1979; revoked May 1, 1982.)

**Article 55.—SEALS
(Mobile Housing)**

1-55-1 to 1-55-6. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**Article 56.—CONTRACT AGENTS AND
THIRD PARTIES
(Mobile Housing)**

1-56-1 to 1-56-3. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**Article 57.—SERIAL NUMBER
(Mobile Housing)**

1-57-1. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**Article 58.—WARRANTIES
(Mobile Housing)**

1-58-1. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**Article 59.—NONCOMPLIANCE
(Mobile Housing)**

1-59-1 to 1-59-3. (Authorized by K.S.A. 75-3706, K.S.A. 1978 Supp. 75-1220; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**Article 60.—SPECIAL ASSESSMENTS
AGAINST THE STATE**

1-60-1. Definitions. As used in this article, “secretary” means the secretary of administration, “local unit of government” means any subordinate governmental agency of the state having statutory authority to levy special assessment taxes for any purpose; and “board” means the governing body of any local unit of government. (Authorized by K.S.A. 12-3502, 75-3706; effective May 1, 1978.)

1-60-2. Initial notification. When any local unit of government initiates action designed to create public improvements to be financed, in part or whole, by adjacent property owners by way of special assessment taxes, and one or more of the pieces of property involved belongs to the state of Kansas, such local unit of government shall inform the secretary of such action by sending by registered mail a copy of the resolution, minute, motion or record of such action, within ten (10) days after adoption, to the secretary of administration, second floor, statehouse, Topeka, Kansas 66612. The board will provide the secretary the following information in its initial notification, either by including same in its resolution, minute, motion or record of initiating action, or by separate documentation:

- (a) General nature of proposed improvement.
- (b) Estimated total cost.
- (c) Legal description of proposed improvement district.
- (d) Proposed method of assessment.
- (e) Apportionment, if any, of cost between property to be improved and property of local unit of government at large.
- (f) Map of proposed improvement district specifying location of state owned property.

(g) State agency having custody of affected land. (Authorized by K.S.A. 12-3504, 75-3706; effective May 1, 1978.)

1-60-3. Subsequent notifications. The board shall also provide to the secretary, and to such state agency heads as may be designated by the secretary, a copy of all subsequent formal actions taken by the board with respect to creation of the improvement district to include motions, resolutions, ordinances and notices of public hearings. (Authorized by K.S.A. 12-3504, 75-3706; effective May 1, 1978.)

Article 61.—ALLOTMENT SYSTEM

1-61-1. Required findings and notice of implementation of allotment system. (a) Findings. (1) Whenever the secretary of administration, on the advice of the director of the budget, finds that the resources of the state general fund or any special revenue fund are likely to be insufficient to finance appropriations against the state general fund or such special revenue fund, the secretary of administration shall instruct the director of the budget to implement an allotment system.

(2) Whenever the secretary of administration, on the advice of the director of the budget, finds that the use of an allotment system for application to a particular executive branch state agency will be beneficial to the state in order to assure that the affected state agency will be able to operate for an entire fiscal year within the fiscal constraints of appropriations made to the affected state agency, the secretary of administration may instruct the director of the budget to implement an allotment system for the affected state agency.

The secretary of administration shall inform the director of the budget of the secretary's decisions as to the amount of money to be made available to each affected state agency to which the allotment system is to be applied and of any limitation thereon.

(b) Notice. After the director of the budget has received notice from the secretary of administration of the secretary's allotment decision or decisions, the director of the budget shall provide written notice of the allotment decision to each state agency that is affected by the allotment system. The notice shall be given to a state agency at least 30 days before the beginning of the time period in which that state agency is subject to the allotment system. The 30 day notice shall be

deemed to have been timely given if the notice is personally delivered to the affected state agency or placed in the U.S. mail, addressed to the affected state agency, at least 30 days prior to the time period in which the state agency is subject to the allotment system. The notice shall:

(1) specify the amount of money that the secretary of administration has allotted to the state agency, and the limitations and time period or periods applicable to the allotment;

(2) specify the type and form of fiscal information that is to be submitted by the state agency to the director of the budget and time schedules therefor; and

(3) inform the agency of the right to seek review of the secretary's allotment decisions pursuant to K.A.R. 1-61-3. (Authorized by and implementing K.S.A. 75-3722; effective, T-83-42, Nov. 23, 1982; effective May 1, 1983.)

1-61-2. Monitoring and reporting on allotment system. (a) The director of the budget shall provide the director of accounts and reports information showing the allotment decisions of the secretary of administration and any modification thereto which have been approved by the governor.

(b) The director of accounts and reports or the director of the budget may require agencies subject to the allotment system to submit specific or general information that either director deems necessary to assure that any agency is operating within the funds allotted and limitations applicable thereto.

(c) In cases where there is a dispute, the secretary of administration shall make determinations as to whether an agency is operating within the funds allotted to an agency and complying with limitations placed on those funds after first giving the agency an opportunity to supply relevant information. In cases where an agency head is aggrieved by the secretary's decision, the matter shall be referred to the Governor, whose decision shall be final. (Authorized by and implementing K.S.A. 75-3722; effective, T-83-42, Nov. 23, 1982; effective May 1, 1983.)

1-61-3. Review of allotment decisions. A state agency may request that the Governor review an allotment decision of the secretary of administration. The request shall be made in writing and delivered to the Governor within 10 days after the personal delivery or postmark date of the notice of the agency's allotment and shall include:

(a) any proposed alternative methods the agency recommends to reduce expenditures to the level that would be realized if the secretary of administration's allotment decision is not altered; and

(b) other information that the requesting state agency believes is necessary for the Governor to undertake an appropriate review of the allotment decision of the secretary of administration. (Authorized by and implementing K.S.A. 75-3722; effective, T-83-42, Nov. 23, 1982; effective May 1, 1983.)

Article 62.—HANDICAPPED ACCESSIBILITY STANDARDS

1-62-1. Handicapped accessibility standards. Subject to the additional provisions of K.S.A. 58-1301 *et seq.*, all public buildings and facilities in this state, and additions thereto, and all governmental buildings and facilities in this state, and additions thereto, shall conform to the American National Standards Institute, Inc. specifications, designated ANSI A-117.1-1986, for making buildings and facilities accessible to, and usable by, the physically handicapped, which specifically were approved February 5, 1986, by the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Any public building or facility or any governmental building or facility, or any addition to any such building or facility, to which the provisions of K.S.A. 58-1301 were applicable prior to the effective date of this regulation, shall be governed by the provisions of that section which were in effect on the date the contract for design of such public building or facility or such governmental building or facility, or addition thereto, was entered into. (Authorized by and implementing K.S.A. 58-1301; effective Aug. 14, 1989.)

Article 63.—QUALITY MANAGEMENT

1-63-1. State quality management initiative. (a) The state quality management initiative shall focus on customer satisfaction, continuous improvement, and employee involvement.

(b) In order to continually strive towards achieving the highest quality in all aspects of state government, state agencies, employees, administrators, officers and quality teams shall adhere to the state quality program's guiding principles. The four guiding principles shall be:

(1) identify customers and meet their needs and expectations;

(2) involve employees at all levels in problem solving and decision making;

(3) enable employees to change and succeed through appropriate education and training; and

(4) improve processes and remove barriers to create and reinforce continuous improvement.

(c) Each state agency shall prepare an implementation strategy containing proposed activities and quality goals in accordance with the statewide quality management implementation strategy established by the secretary of administration. These strategies shall be submitted to the secretary of administration for approval. (Authorized by and implementing L. 1994, ch. 91, § 1; effective, T-1-9-19-94, Sept. 19, 1994; effective Nov. 21, 1994.)

1-63-2. Quality initiative leadership. (a) The state quality management initiative shall be led by the secretary of administration and shall include the elements listed below:

(1) promoting and assisting the development of implementation strategies by each agency; and

(2) developing and coordinating appropriate training programs for state officers and employees.

(b) The quality management advisory council shall consist of each state agency cabinet secretary and shall advise the secretary of administration on state quality management initiative policy issues.

(c) A state quality management initiative administrative and training office shall be staffed by the division of personnel services. Quality management materials and programs for the state quality program shall be developed and coordinated by the administrative and training office with the approval of the comprehensive management education and training strategy committee. (Authorized by and implementing K.S.A. 1996 Supp. 75-37,115; effective, T-1-9-19-94, Sept. 19, 1994; effective Nov. 21, 1994; amended June 20, 1997.)

Article 64.—ADMINISTRATION OF WIRELESS AND VoIP ENHANCED 911 SERVICES

1-64-1. Delinquent status; penalties. (a)(1) A wireless carrier or a VoIP provider shall be deemed to be in delinquent status by the secretary or the secretary's duly authorized agent if the carrier's or provider's wireless enhanced 911

local fees and return, pursuant to K.S.A. 12-5331 or K.S.A. 12-5357 and amendments thereto, are not received by the local collection point administrator within 14 days after the due date.

(2) Any wireless carrier or VoIP provider may be deemed to be in delinquent status by the secretary or the secretary's duly authorized agent if the carrier's or provider's wireless enhanced 911 local fees and return, pursuant to K.S.A. 12-5331 or K.S.A. 12-5357 and amendments thereto, are substantially inconsistent with each other.

(b)(1) The local collection point administrator shall notify the secretary or the secretary's duly authorized agent of any wireless carrier or VoIP provider that has not submitted the carrier's or provider's wireless enhanced 911 local fees or a return within 14 days of the due date or that has submitted fees and a return that are substantially inconsistent with each other.

(2) If the secretary or the secretary's duly authorized agent determines that the carrier or provider is in delinquent status, a penalty shall be assessed by written order of the secretary or the secretary's duly authorized agent against the wireless carrier or the VoIP provider. This penalty shall be either \$50.00 or 10% of the wireless or VoIP enhanced 911 local fees due from that delinquent wireless carrier or VoIP provider to the

local collection point administrator for the corresponding month, whichever is greater.

(3) Written notification of the penalty assessment, the violation, and the wireless carrier's or VoIP provider's right to appeal to the secretary or the secretary's duly authorized agent shall be issued to the wireless carrier or VoIP provider by the secretary or the secretary's duly authorized agent. Each penalty payment shall be remitted directly to the secretary or the secretary's duly authorized agent.

(4) If a wireless carrier or VoIP provider remains in delinquent status for 30 days or more after the date on which the wireless or VoIP enhanced 911 local fees and return were due, interest shall begin accruing on the fees at an annual rate of 10%.

(c) As provided by K.S.A. 12-5325 and K.S.A. 12-5354 and amendments thereto, any wireless carrier or VoIP provider that is assessed a penalty may request a hearing. The request for hearing shall specify the reason or reasons the wireless carrier or VoIP provider denies being in violation of the fee and return requirements pursuant to K.S.A. 12-5331 or K.S.A. 12-5357, and amendments thereto. (Authorized by K.S.A. 2006 Supp. 12-5325 and 12-5354; implementing K.S.A. 2006 Supp. 12-5325, 12-5331, 12-5354, and 12-5357; effective Sept. 21, 2007.)